

**Public Laws
AUTHORIZATION AND APPROPRIATION ACTS 1969 - 2007**

FOR THE

**U.S. ARMY
CHEMICAL MATERIALS AGENCY**

LAST UPDATED
November 6, 2006

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE 06 NOV 2006		2. REPORT TYPE		3. DATES COVERED 00-00-2006 to 00-00-2006	
4. TITLE AND SUBTITLE Public Laws Authorization and Appropriations Acts 1969-2007				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) U.S. Army Chemical Materials Agency, 5183 Blackhawk Road, Aberdeen Proving Ground, MD, 21010-5424				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release; distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT Same as Report (SAR)	18. NUMBER OF PAGES 120	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

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PL 109-364, Defense Authorizations Act for FY 2007

October 17, 2006

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(b) Chemical Agents and Munitions Destruction, Defense-

(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2007 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, \$1,277,304,000, of which--

(A) \$1,046,290,000 is for Operation and Maintenance; and

(B) \$231,014,000 is for Research, Development, Test, and Evaluation.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for--

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act for Fiscal Year 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 314. RESEARCH ON EFFECTS OF OCEAN DISPOSAL OF MUNITIONS.

(a) Identification of Disposal Sites-

(1) **HISTORICAL REVIEW-** The Secretary of Defense shall conduct a historical review of available records to determine the number, size, and probable locations of sites where the Armed Forces disposed of military munitions in coastal waters. The historical review shall, to the extent possible, identify the types of munitions at individual sites.

(2) **COOPERATION-** The Secretary shall request the assistance of the Coast Guard, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies in conducting the review required by this subsection.

(3) **INTERIM REPORTS-** The Secretary shall periodically, but no less often than annually, release any new information obtained during the historical review conducted under paragraph (1). The Secretary may withhold from public release the exact nature and locations of munitions the potential unauthorized retrieval of which could pose a significant threat to the national defense or public safety.

(4) **INCLUSION OF INFORMATION IN ANNUAL REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES-** The Secretary shall include the information obtained

pursuant to the review conducted under paragraph (1) in the annual report on environmental restoration activities submitted to Congress under section 2706 of title 10, United States Code.

(5) FINAL REPORT- The Secretary shall complete the historical review required under paragraph (1) and submit a final report on the findings of such review in the annual report on environmental restoration activities submitted to Congress for fiscal year 2009.

(b) Identification of Navigational and Safety Hazards-

(1) IDENTIFICATION OF HAZARDS- The Secretary of Defense shall provide available information to the Secretary of Commerce to assist the National Oceanic and Atmospheric Administration in preparing nautical charts and other navigational materials for coastal waters that identify known or potential hazards posed by disposed military munitions to private activities, including commercial shipping and fishing operations.

(2) CONTINUATION OF INFORMATION ACTIVITIES- The Secretary of Defense shall continue activities to inform potentially affected users of the ocean environment, particularly fishing operations, of the possible hazards from contact with disposed military munitions and the proper methods to mitigate such hazards.

(c) Research-

(1) IN GENERAL- The Secretary of Defense shall continue to conduct research on the effects on the ocean environment and those who use it of military munitions disposed of in coastal waters.

(2) SCOPE- Research under paragraph (1) shall include--

(A) the sampling and analysis of ocean waters and sea beds at or adjacent to military munitions disposal sites selected pursuant to paragraph (3) to determine whether the disposed military munitions have caused or are causing contamination of such waters or sea beds;

(B) investigation into the long-term effects of seawater exposure on disposed military munitions, particularly effects on chemical munitions;

(C) investigation into the impacts any such contamination may have on the ocean environment and those who use it, including public health risks;

(D) investigation into the feasibility of removing or otherwise remediating the military munitions; and

(E) the development of effective safety measures for dealing with such military munitions.

(3) RESEARCH CRITERIA- In conducting the research required by this subsection, the Secretary shall ensure that the sampling, analysis, and investigations are conducted at representative sites, taking into account factors such as depth, water temperature, nature of the military munitions present, and relative proximity to onshore populations. In conducting such research, the Secretary shall select at least two representative sites each in the areas of the Atlantic coast, the Pacific coast (including Alaska), and the Hawaiian Islands.

(4) AUTHORITY TO MAKE GRANTS AND ENTER INTO COOPERATIVE AGREEMENTS- In conducting research under this subsection, the Secretary may make grants to, and enter into cooperative agreements with, qualified research entities.

(d) Monitoring- If the historical review required by subsection (a) or the research required by subsection (c) indicates that contamination is being released into the ocean waters from disposed military munitions at a particular site or that the site poses a significant public health or safety risk, the Secretary of Defense shall institute appropriate monitoring mechanisms at that site and report to the congressional defense committees on any additional measures that may be necessary to address the release or risk, as applicable.

(e) Definitions- In this section:

(1) The term 'coastal waters' means that part of the ocean extending from the coast line of the United States to the outer boundary of the outer Continental Shelf.

(2) The term 'coast line' has the meaning given that term in section 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) The term 'military munitions' has the meaning given that term in section 101(e) of title 10, United States Code.

(4) The term 'outer Continental Shelf' has the meaning given that term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

SEC. 921. SENSE OF CONGRESS ON COMPLETION OF DESTRUCTION OF UNITED STATES CHEMICAL WEAPONS STOCKPILE.

(a) Findings- Congress makes the following findings:

(1) The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, done at Paris on January 13, 1993 (commonly referred to as the 'Chemical Weapons Convention'), requires

that destruction of the entire United States chemical weapons stockpile be completed by no later than the extended deadline of April 29, 2012.

(2) On April 10, 2006, the Department of Defense notified Congress that the United States would not meet even the extended deadline under the Chemical Weapons Convention for destruction of the United States chemical weapons stockpile.

(3) Destroying existing chemical weapons is a homeland security imperative and an arms control priority and is required by United States law.

(4) The elimination and nonproliferation of chemical weapons of mass destruction is of utmost importance to the national security of the United States.

(b) Sense of Congress- It is the sense of Congress that--

(1) the United States is committed to making every effort to safely dispose of its entire chemical weapons stockpile by the Chemical Weapons Convention extended deadline of April 29, 2012, or as soon thereafter as possible, and will carry out all of its other obligations under that Convention;

(2) to prevent further delays in completing the destruction of the United States chemical weapons stockpile, the Secretary of Defense should prepare a comprehensive schedule for the safe destruction of such stockpile and should annually submit that schedule (as currently in effect) to the congressional defense committees, either separately or as part of another required report, until such destruction is completed;

(3) the Secretary of Defense should make every effort to ensure adequate funding to complete the elimination of the United States chemical weapons stockpile in the shortest time possible, consistent with the requirement to protect public health, safety, and the environment; and

(4) when selecting a site for the treatment or disposal of neutralized chemical agent at a location remote from the location where the agent is stored, the Secretary of Defense should propose a credible process that seeks to gain the support of affected communities.

SEC. 922. COMPTROLLER GENERAL REVIEW OF COST-BENEFIT ANALYSIS OF OFF-SITE VERSUS ON-SITE TREATMENT AND DISPOSAL OF HYDROLYSATE DERIVED FROM NEUTRALIZATION OF VX NERVE GAS AT NEWPORT CHEMICAL DEPOT, INDIANA.

(a) Review Required- Not later than December 1, 2006, the Comptroller General shall submit to Congress a report containing a review of the cost-benefit analysis prepared by the Secretary of the Army entitled 'Cost-Benefit Analysis of Off-Site Versus On-Site Treatment and Disposal of Newport Caustic Hydrolysate' and dated April 24, 2006.

(b) Content of Review- In conducting the review under subsection (a), the Comptroller General shall consider and assess at a minimum the following matters:

(1) The adequacy of the rationale contained in the cost-benefit analysis referred to in subsection (a) in dismissing five of the eight technologies for hydrolysate treatment directed for consideration on page 116 of the Report of the Committee on Armed Services of the House of Representatives on H.R. 1815 (House Report 109-89).

(2) The rationale for the failure of the Secretary of the Army to consider other technical solutions, such as constructing a wastewater disposal system at the Newport Chemical Depot.

(3) The adequacy of the cost-benefit analysis presented for the three technologies considered.

(c) Limitation on Transport Pending Report- The Secretary of the Army may not transport neutralized bulk nerve agent (other than those small quantities necessary for laboratory evaluation of the disposal process) from the Newport Chemical Depot to the State of New Jersey until the earlier of--

(1) the end of the 60-day period beginning on the date on which the report required by subsection (a) is submitted; or

(2) February 1, 2007.

SEC. 923. INCENTIVES CLAUSES IN CHEMICAL DEMILITARIZATION CONTRACTS.

(a) In General-

(1) AUTHORITY TO INCLUDE CLAUSES IN CONTRACTS- The Secretary of Defense may, for the purpose specified in paragraph (2), authorize the inclusion of an incentives clause in any contract for the destruction of the United States stockpile of lethal chemical agents and munitions carried out pursuant to section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

(2) PURPOSE- The purpose of a clause referred to in paragraph (1) is to provide the contractor for a chemical demilitarization facility an incentive to accelerate the safe elimination of the United States chemical weapons stockpile and to reduce the total cost of the Chemical Demilitarization Program by providing incentive payments for the early completion of destruction operations and the closure of such facility.

(b) Incentives Clauses-

(1) IN GENERAL- An incentives clause under this section shall permit the contractor for the chemical demilitarization facility concerned the opportunity to earn incentive payments for the completion of destruction operations and facility closure activities within target incentive ranges specified in such clause.

(2) LIMITATION ON INCENTIVE PAYMENTS- The maximum incentive payment under an incentives clause with respect to a chemical demilitarization facility may not exceed amounts as follows:

(A) In the case of an incentive payment for the completion of destruction operations within the target incentive range specified in such clause, \$110,000,000.

(B) In the case of an incentive payment for the completion of facility closure activities within the target incentive range specified in such clause, \$55,000,000.

(3) TARGET RANGES- An incentives clause in a contract under this section shall specify the target incentive ranges of costs for completion of destruction operations and facility closure activities, respectively, as jointly agreed upon by the contracting officer and the contractor concerned. An incentives clause shall require a proportionate reduction in the maximum incentive payment amounts in the event that the contractor exceeds an agreed-upon target cost if such excess costs are the responsibility of the contractor.

(4) CALCULATION OF INCENTIVE PAYMENTS- The amount of the incentive payment earned by a contractor for a chemical demilitarization facility under an incentives clause under this section shall be based upon a determination by the Secretary on how early in the target incentive range specified in such clause destruction operations or facility closure activities, as the case may be, are completed.

(5) CONSISTENCY WITH EXISTING OBLIGATIONS- The provisions of any incentives clause under this section shall be consistent with the obligation of the Secretary of Defense under section 1412(c)(1)(A) of the Department of Defense Authorization Act, 1986, to provide for maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions.

(6) ADDITIONAL TERMS AND CONDITIONS- In negotiating the inclusion of an incentives clause in a contract under this section, the Secretary may include in such clause such additional terms and conditions as the Secretary considers appropriate.

(c) Additional Limitation on Payments-

(1) PAYMENT CONDITIONAL ON PERFORMANCE- No payment may be made under an incentives clause under this section unless the Secretary determines that the contractor concerned has satisfactorily performed its duties under such incentives clause.

(2) PAYMENT CONTINGENT ON APPROPRIATIONS- An incentives clause under this section shall specify that the obligation of the Government to make payment under such incentives clause is subject to the availability of appropriations for that purpose. Amounts appropriated for Chemical Agents and Munitions Destruction, Defense, shall be available for payments under incentives clauses under this section.

SEC. 924. CHEMICAL DEMILITARIZATION PROGRAM CONTRACTING AUTHORITY.

(a) Multiyear Contracting Authority- The Secretary of Defense may carry out responsibilities under section 1412(a) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)) through multiyear contracts entered into before the date of the enactment of this Act.

(b) Availability of Funds- Contracts entered into under subsection (a) shall be funded through annual appropriations for the destruction of chemical agents and munitions.

SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General- Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2006, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$7,163,431,000, as follows:

(15) For the construction of increment 7 of a munitions demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act of 2002 (division B of Public Law 107-107; 115 Stat. 1298), and section 2405 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), \$99,157,000.

(16) For the construction of increment 8 of a munitions demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), and section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107-314; 116 Stat. 2698), \$41,836,000.

PL 109-289, Defense Appropriations Act for FY 2007
SEPTEMBER 29, 2006

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,277,304,000, of which \$1,046,290,000 shall be for Operation and maintenance; \$231,014,000 shall be for Research, development, test and evaluation, of which \$215,944,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2008; and no less than \$111,283,000 shall be for the Chemical Stockpile Emergency Preparedness Program, of which \$41,074,000 shall be for activities on military installations and of which \$70,209,000, to remain available until September 30, 2008, shall be to assist State and local governments.

PL 109-163, Defense Authorizations Act for FY 2006
JANUARY 6, 2006

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(b) Chemical Agents and Munitions Destruction, Defense-

(1) AUTHORIZATION OF APPROPRIATIONS- Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2006 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$1,425,827,000, of which--

(A) \$1,241,514,000 is for Operation and Maintenance;

(B) \$67,786,000 is for Research, Development, Test, and Evaluation; and

(C) \$116,527,000 is for Procurement.

(2) USE- Amounts authorized to be appropriated under paragraph (1) are authorized for--

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

Subtitle C--Chemical Demilitarization Program

SEC. 921. CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY UNDER CHEMICAL DEMILITARIZATION PROGRAM.

(a) Agreements With Federally Recognized Indian Tribal Organizations- Section 1412(c)(4) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(c)(4)), is amended-

(1) by inserting `(A)' after `(4)';

(2) in the first sentence--

(A) by inserting `and to tribal organizations' after `to State and local governments'; and

(B) by inserting `and tribal organizations' after `assist those governments';

(3) by designating the text beginning `Additionally, the Secretary ' as subparagraph (B);

(4) in the first sentence of subparagraph (B), as designated by paragraph (3), by inserting ` , and with tribal organizations,' after `with State and local governments'; and

(5) by adding at the end the following:

`(C) In this paragraph, the term `tribal organization' has the meaning given that term in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).'.

(b) Effective Date- The amendments made by subsection (a)--

(1) take effect as of December 5, 1991; and

(2) apply with respect to any cooperative agreement entered into on or after that date.

SEC. 922. CHEMICAL DEMILITARIZATION FACILITIES.

(a) Authority to Use Research, Development, Test, and Evaluation Funds to Construct Facilities- The Secretary of Defense may, using amounts authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide and available for chemical weapons demilitarization activities under the Assembled Chemical Weapons Alternatives program, carry out construction projects, or portions of construction projects, for facilities necessary to support chemical demilitarization operations at each of the following:

(1) Pueblo Army Depot, Colorado.

(2) Blue Grass Army Depot, Kentucky.

(b) Scope of Authority- The authority in subsection (a) to carry out a construction project for facilities includes authority to carry out planning and design and the acquisition of land for the construction or improvement of such facilities.

(c) Limitation on Amount of Funds- The amount of funds that may be utilized under the authority in subsection (a) may not exceed \$51,000,000.

(d) Duration of Authority- A construction project, or portion of a construction project, may not be commenced under the authority in subsection (a) after September 30, 2006.

(e) Notice and Wait- The Secretary may not carry out a construction project, or portion of a construction project, under the authority in subsection (a) until the end of the 21-day period beginning on the date on which the Secretary submits to the congressional defense committees notice of the Secretary's intent to carry out such project and confirms his intent to seek funding for these projects beginning in fiscal year 2007 through the military construction appropriations accounts.

PL 109-148, Defense Appropriations Act for FY 2006
DECEMBER 30, 2005

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions, to include construction of facilities, in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,400,827,000, of which \$1,216,514,000 shall be for Operation and maintenance; \$116,527,000 shall be for Procurement to remain available until September 30, 2008; \$67,786,000 shall be for Research, development, test and evaluation, of which \$53,026,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program, to remain available until September 30, 2007; and no less than \$119,300,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which \$36,800,000 shall be for activities on military installations and \$82,500,000 shall be to assist State and local governments.

PL 108-375, Defense Authorizations Act for FY 2005
OCTOBER 28, 2004

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS.

(b) Chemical Agents and Munitions Destruction, Defense.—

(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2005 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, in the amount of \$1,371,990,000, of which--

- (A) \$1,088,801,000 is for Operation and Maintenance;
- (B) \$204,209,000 is for Research, Development, Test, and Evaluation; and
- (C) \$78,980,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for--

- (A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
- (B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 931. STRATEGIC PLAN FOR DESTRUCTION OF LETHAL CHEMICAL AGENTS AND MUNITIONS STOCKPILE.

Subsection (d) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended to read as follows:

(d) Requirement for Strategic Plan.

(1) The Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretary of the Army shall jointly prepare, and from time to time shall update as appropriate, a strategic plan for future activities for destruction of the United States' stockpile of lethal chemical agents and munitions.

(2) The plan shall include, at a minimum, the following considerations:

- (A) Realistic budgeting for stockpile destruction and related support programs.
- (B) Contingency planning for foreseeable or anticipated problems.
- (C) A management approach and associated actions that address compliance with the obligations of the United States under the Chemical Weapons Convention treaty and that take full advantage of opportunities to accelerate destruction of the stockpile.

(3) The Secretary of Defense shall each year submit to the Committee on the Armed Services of the Senate and the Committee on Armed Services of the House of

Representatives the strategic plan as most recently prepared and updated under paragraph (1). Such submission shall be made each year at the time of the submission to the Congress that year of the President's budget for the next fiscal year.

SEC. 1302. FUNDING ALLOCATIONS.

(5) For chemical weapons destruction in Russia, \$158,400,000.

SEC. 1303. (22 USC 5952 note) TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

(a) Temporary Authority.--Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) shall not apply for a calendar year for which the President submits to Congress a written certification that includes--

- (1) a statement as to why a waiver of the conditions described in such section 1305 is important to the national security interests of the United States;
- (2) a full and complete justification for the waiver of the conditions; and
- (3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

(b) Expiration.--The authority in subsection (a) shall expire on December 31, 2006, and no waiver shall remain in effect after that date.

SEC. 2846. JURISDICTION AND UTILIZATION OF FORMER PUBLIC DOMAIN LANDS, UMATILLA CHEMICAL DEPOT, OREGON.

(a) Retention of Jurisdiction.--The various parcels of real property consisting of approximately 8,300 acres within the boundaries of Umatilla Chemical Depot, Oregon, that were previously withdrawn from the public domain are no longer suitable for return to the public domain and shall remain under the administrative jurisdiction of the Secretary of the Army.

(b) Utilization.--The Secretary shall combine the real property described in subsection (a) with other real property comprising the Umatilla Chemical Depot for purposes of their management and disposal pursuant to title II of the Defense Authorization Amendments and Base Closure and Realignment Act of 1988 (Public Law 100-526; 10 U.S.C. 2687 note) and other applicable law.

PL 108-287, Defense Appropriations Act for FY 2005
AUGUST 5, 2004

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,372,990,000, of which \$1,088,801,000 shall be for Operation and maintenance; \$78,980,000 shall be for Procurement to remain available until September 30, 2007; \$205,209,000 shall be for Research, development, test and evaluation to remain available until September 30, 2006; and no less than \$137,404,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which \$44,631,000 shall be for activities on military installations and \$92,773,000 shall be to assist State and local governments.

PL 108-136, Defense Authorizations Act for FY 2004
NOVEMBER 24, 2003

SEC. 303. OTHER DEPARTMENT OF DEFENSE PROGRAMS

(b) CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE-

(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2004 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, \$1,530,261,000, of which--

(A) \$1,199,168,000 is for Operation and Maintenance;

(B) \$251,881,000 is for Research, Development, Test, and Evaluation; and

(C) \$79,212,000 is for Procurement.

(2) Amounts authorized to be appropriated under paragraph (1) are authorized for--

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1056. SENSE OF CONGRESS ON DEPLOYMENT OF AIRBORNE CHEMICAL AGENT MONITORING SYSTEMS AT CHEMICAL STOCKPILE DISPOSAL SITES IN THE UNITED STATES.

(a) FINDINGS- The Congress makes the following findings:

(1) Over 23,700 tons of lethal chemical agents in assembled chemical weapons and bulk storage containers are stored and awaiting destruction at eight chemical agent disposal facilities and stockpile storage sites in the United States. Some of these weapons and storage containers contain GB or VX nerve agents, while others contain blister agents such as HD (mustard agent).

(2) Approximately 960,000 persons live in the vicinity of the eight chemical weapons disposal facilities and stockpile storage sites.

(3) Airborne-agent chemical monitoring systems are currently deployed at each of the chemical demilitarization facilities and stockpile storage sites to provide continuous and near-real-time monitoring of the presence of chemical agents.

(4) The National Research Council has determined that monitoring levels used at the demilitarization facilities are very conservative and highly protective of workers

and public health and safety and that the conservative monitoring levels are a contributing factor in false positive alarms.

(5) The National Research Council has expressed repeated concern about relatively frequent false positive alarms and the lack of real-time monitoring for airborne agents and has noted the poor state of agent monitoring technology for liquid waste streams and solid materials suspected of possible agent contamination.

(6) The National Research Council has concluded that, although the Program Manager for Chemical Demilitarization has made some efforts to develop better agent-monitoring technology, results to date have been disappointing.

(7) The National Research Council has concluded that development and deployment of airborne-agent monitors with shorter response time and lower false alarm rates would enhance safety and reduce the tendency to discount agent alarms, and has recommended that the Program Manager for Chemical Demilitarization and the relevant Department of Defense research and development agencies should invigorate and coordinate efforts to develop chemical agent monitors with improved sensitivity, specificity, and response time.

(b) SENSE OF CONGRESS- It is the sense of Congress that the Secretary of the Army--

(1) should, in coordination with relevant Department of Defense research and development agencies, invigorate and coordinate efforts to develop chemical agent monitors with improved sensitivity, specificity, and response time; and

(2) should deploy improved chemical agent monitors in order to ensure the maximum protection of the general public, personnel involved in the chemical demilitarization program, and the environment.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES- Of the \$450,800,000 authorized to be appropriated to the Department of Defense for fiscal year 2004 in section 301(19) for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(7) For chemical weapons destruction in Russia, \$200,300,000.

SEC. 1306. TEMPORARY AUTHORITY TO WAIVE LIMITATION ON FUNDING FOR CHEMICAL WEAPONS DESTRUCTION FACILITY IN RUSSIA.

(a) TEMPORARY AUTHORITY- The conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) shall not apply to the obligation and expenditure of funds available for obligation during fiscal year 2004 for the planning, design, or construction of a chemical weapons

destruction facility in Russia if the President submits to Congress a written certification that includes--

(1) a statement as to why the waiver of the conditions is important to the national security interests of the United States;

(2) a full and complete justification for the waiver of the conditions; and

(3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

(b) EXPIRATION- The authority in subsection (a) shall expire on September 30, 2004.

PL 108-87, Defense Appropriations Act for FY 2004
SEPTEMBER 30, 2003

TITLE VI, OTHER DEPARTMENT OF DEFENSE PROGRAMS
Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,500,261,000, of which \$1,169,168,000 shall be for Operation and maintenance to remain available until September 30, 2005; \$79,212,000 shall be for Procurement to remain available until September 30, 2006; \$251,881,000 shall be for Research, development, test and evaluation to remain available until September 30, 2005; and no less than \$132,677,000 may be for the Chemical Stockpile Emergency Preparedness Program, of which \$44,168,000 shall be for activities on military installations and \$88,509,000 shall be to assist State and local governments: *Provided*, That notwithstanding any other provision of law, \$10,000,000 of the funds available under this heading shall be expended only to fund Chemical Stockpile Emergency Preparedness Program evacuation route improvements in Calhoun County, Alabama.

SEC. 8068.

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

PL 107-314, Defense Authorizations Act for FY 2003
DECEMBER 2, 2002

SEC. 106. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

There is hereby authorized to be appropriated for fiscal year 2003 the amount of \$1,490,199,000 for--

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act

Subtitle E--Other Programs

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS

(a) PROGRAM MANAGEMENT- The Secretary of Defense shall ensure that the program for destruction of the United States stockpile of lethal chemical agents and munitions is managed as a major defense acquisition program (as defined in section 2430 of title 10, United States Code) in accordance with the essential elements of such programs as may be determined by the Secretary.

(b) REQUIREMENT FOR UNDER SECRETARY OF DEFENSE (COMPTROLLER) ANNUAL CERTIFICATION- Beginning with respect to the budget request for fiscal year 2004, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees on an annual basis a certification that the budget request for the chemical agents and munitions destruction program has been submitted in accordance with the requirements of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521).

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF CTR PROGRAMS- For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104-201; 110 Stat. 2731; 50 U.S.C. 2362 note).

(b) FISCAL YEAR 2003 COOPERATIVE THREAT REDUCTION FUNDS DEFINED- As used in this title, the term 'fiscal year 2003 Cooperative Threat Reduction funds' means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS- Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.

SEC. 1302. FUNDING ALLOCATIONS.

(9) For chemical weapons destruction in Russia, \$50,000,000.

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS

(a) INSIDE THE UNITED STATES- Using amounts appropriated pursuant to the authorization of appropriations in section 2404(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

Chemical Demilitarization Pine Bluff, Arkansas	\$18,937,000
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SEC. 2404. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) IN GENERAL- Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2002, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments) in the total amount of \$1,434,795,000, as follows:

(10) For the construction of phase 4 of an ammunition demilitarization facility at Pueblo Chemical Activity, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839) and section 2407 of this Act, \$38,000,000.

(11) For the construction of phase 5 of an ammunition demilitarization facility at Newport Army Depot, Indiana, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), as amended by section 2406 of this Act, \$61,494,000.

(12) For the construction of phase 5 of an ammunition demilitarization facility at Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1299), \$20,600,000.

(13) For the construction of phase 3 of an ammunition demilitarization facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1298) and section 2405 of this Act, \$10,300,000.

(14) For the construction of phase 3 of an ammunition demilitarization support facility at Blue Grass Army Depot, Kentucky, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), \$8,300,000.

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECT.

(a) MODIFICATION- The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835), as amended by section 2405 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1298), is further amended--

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking '\$254,030,000' in the amount column and inserting '\$290,325,000'; and

(2) by striking the amount identified as the total in the amount column and inserting '\$748,245,000'.

(b) CONFORMING AMENDMENT- Section 2405(b)(3) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 839), as so amended, is further amended by striking '\$231,230,000' and inserting '\$267,525,000'.

SEC. 2406. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION- The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2193), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2002 (division B of Public Law 107-107; 115 Stat. 1299), is further amended--

(1) under the agency heading relating to Chemical Demilitarization, in the item relating to Newport Army Depot, Indiana, by striking '\$191,550,000' in the amount column and inserting '\$293,853,000'; and

(2) by striking the amount identified as the total in the amount column and inserting '\$829,919,000'.

(b) CONFORMING AMENDMENT- Section 2404(b)(2) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2196) is amended by striking '\$162,050,000' and inserting '\$264,353,000'.

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATION- The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 839), is further amended--

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Chemical Activity, Colorado, by striking '\$203,500,000' in the amount column and inserting '\$261,000,000'; and

(2) by striking the amount identified as the total in the amount column and inserting '\$607,454,000'.

(b) CONFORMING AMENDMENT- Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking '\$203,500,000' and inserting '\$261,000,000'.

PL 107-248, Defense Appropriations Act for FY 2003
OCTOBER 23, 2002

TITLE VI, OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,490,199,000, of which \$974,238,000 shall be for Operation and maintenance to remain available until September 30, 2004, \$213,278,000 shall be for Procurement to remain available until September 30, 2005, and \$302,683,000 shall be for Research, development, test and evaluation to remain available until September 30, 2004.

SEC. 8069.

(a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8100.

Notwithstanding any other provision of this Act, the total amount appropriated in this Act is hereby reduced by \$850,000,000, to reflect savings to be achieved from business process reforms, management efficiencies, and procurement of administrative and management support, to be distributed as follows:

Chemical Agents and Munitions Destruction, Army', \$20,000,000

SEC. 8122.

(a) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT BLUEGRASS ARMY DEPOT, KENTUCKY- If a technology other than the baseline incineration program is selected for the destruction of lethal chemical munitions pursuant to section 142 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 50 U.S.C. 1521 note), the program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting

relating thereto, of chemical demilitarization activities at Bluegrass Army Depot, Kentucky, including management of the pilot-scale facility phase of the alternative technology.

(b) MANAGEMENT OF CHEMICAL DEMILITARIZATION ACTIVITIES AT PUEBLO DEPOT, COLORADO- The program manager for the Assembled Chemical Weapons Assessment shall be responsible for management of the construction, operation, and closure, and any contracting relating thereto, of chemical demilitarization activities at Pueblo Army Depot, Colorado, including management of the pilot-scale facility phase of the alternative technology selected for the destruction of lethal chemical munitions.

SEC. 8144.

(a) The conditions described in section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 22 U.S.C. 5952 note) shall not apply to the obligation and expenditure of funds for fiscal years 2000, 2001, 2002 and 2003 for the planning, design, or construction of a chemical weapons destruction facility in Russia if the President submits to Congress a written certification that includes--

- (1) a statement as to why waiving the conditions is important to the national security interests of the United States;
- (2) a full and complete justification for exercising this waiver; and
- (3) a plan to promote a full and accurate disclosure by Russia regarding the size, content, status, and location of its chemical weapons stockpile.

PL 107-117, Defense Appropriations Act for FY 2002
JANUARY 10, 2002

TITLE VI, OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,105,557,000, of which \$739,020,000 shall be for Operation and maintenance to remain available until September 30, 2003, \$164,158,000 shall be for Procurement to remain available until September 30, 2004, and \$202,379,000 shall be for Research, development, test and evaluation to remain available until September 30, 2003.

SEC. 8075.

(a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8164.

(a) ASSESSMENT REQUIRED- Not later than March 15, 2002, the Secretary of the Army shall submit to the Committees on Appropriations of the Senate and House of Representatives a report containing an assessment of current risks under, and various alternatives to, the current Army plan for the destruction of chemical weapons.

(b) ELEMENTS- The report under subsection (a) shall include the following:

(1) A description and assessment of the current risks in the storage of chemical weapons arising from potential terrorist attacks.

(2) A description and assessment of the current risks in the storage of chemical weapons arising from storage of such weapons after April 2007, the required date for disposal of such weapons as stated in the Chemical Weapons Convention.

(3) A description and assessment of various options for eliminating or reducing the risks described in paragraphs (1) and (2).

(c) **CONSIDERATIONS-** In preparing the report, the Secretary shall take into account the plan for the disassembly and neutralization of the agents in chemical weapons as described in Army engineering studies in 1985 and 1996, the 1991 Department of Defense Safety Contingency Plan, and the 1993 findings of the National Academy of Sciences on disassembly and neutralization of chemical weapons.

**PL 107-107, Defense Authorizations Act for FY 2002
DECEMBER 28, 2001**

Subtitle A – Authorization of Appropriations

SEC 106. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

There is hereby authorized to be appropriated for fiscal year 2002 for the Department of Defense for Chemical Agents and Munitions Destruction, Defense, the amount of \$1,153,557,000 for--

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1204. AUTHORITY FOR EMPLOYEES OF FEDERAL GOVERNMENT CONTRACTORS TO ACCOMPANY CHEMICAL WEAPONS INSPECTION TEAMS AT GOVERNMENT-OWNED FACILITIES.

(a) **AUTHORITY-** Section 303(b)(2) of the Chemical Weapons Convention Implementation Act of 1998 (22 U.S.C. 6723(b)(2)) is amended by inserting after `designation of employees of the Federal Government' the following: `(and, in the case of an inspection of a United States Government facility, the designation of contractor personnel who shall be led by an employee of the Federal Government)'.

(b) **CREDENTIALS-** Section 304(c) of such Act (22 U.S.C. 6724(c)) is amended by striking `Federal government' and inserting `Federal Government (and, in the case of an inspection of a United States Government facility, any accompanying contractor personnel)'.

TITLE XIII--COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION

SEC. 1302. FUNDING ALLOCATIONS.

(a) **FUNDING FOR SPECIFIC PURPOSES-** Of the \$403,000,000 authorized to be appropriated to the Department of Defense for fiscal year 2002 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:

(8) For chemical weapons destruction in Russia, \$50,000,000.

SEC. 1308. CHEMICAL WEAPONS DESTRUCTION.

Section 1305 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 794; 22 U.S.C. 5952 note) is amended by inserting before the period at the end the following: `until the Secretary of Defense submits to Congress a certification that there has been--

- (1) information provided by Russia, that the United States assesses to be full and accurate, regarding the size of the chemical weapons stockpile of Russia;
- (2) a demonstrated annual commitment by Russia to allocate at least \$25,000,000 to chemical weapons elimination;
- (3) development by Russia of a practical plan for destroying its stockpile of nerve agents;
- (4) enactment of a law by Russia that provides for the elimination of all nerve agents at a single site;
- (5) an agreement by Russia to destroy or convert its chemical weapons production facilities at Volgograd and Novocheboksark; and
- (6) a demonstrated commitment from the international community to fund and build infrastructure needed to support and operate the facility.'.

SEC. 1309. ADDITIONAL MATTER IN ANNUAL REPORT ON ACTIVITIES AND ASSISTANCE UNDER COOPERATIVE THREAT REDUCTION PROGRAMS.

Section 1308(c) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-341) (as amended by section 1308) is further amended by adding at the end of the following new paragraph:

- `(6) A description of the amount of the financial commitment from the international community, and from Russia, for the chemical weapons destruction facility located at Shchuch'ye, Russia, for the fiscal year beginning in the year in which the report is submitted.'.

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2000 PROJECTS.

(a) MODIFICATION- The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106-65; 113 Stat. 835) is amended--

- (1) under the agency heading relating to Chemical Demilitarization, in the item relating to Blue Grass Army Depot, Kentucky, by striking `\$206,800,000' in the amount column and inserting `\$254,030,000';

SEC. 2407. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECT.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105-85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105-261; 112 Stat. 2197), is amended under the agency heading relating to Chemical Agents and Munitions Destruction, in the item relating to Pine Bluff Arsenal, Arkansas, by striking '\$154,400,000' in the amount column and inserting '\$177,400,000'.

**PL 106-398, Defense Authorizations Act for FY 2001
OCTOBER 30, 2000**

Subtitle A – Authorization of Appropriations

SEC 101. ARMY

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

(6) For chemical agents and munitions destruction, \$980,100,000, for--

(A) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(B) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

Subtitle F – Chemical Demilitarization

**SEC. 151. PUEBLO CHEMICAL DEPOT CHEMICAL AGENT AND MUNITIONS
DESTRUCTION TECHNOLOGIES.**

(a) LIMITATION- In determining the technologies to be used for the destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, whether under the assessment required by section 141(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 113 Stat. 537; 50 U.S.C. 1521 note), the Assembled Chemical Weapons Assessment, or any other assessment, the Secretary of Defense may consider only the following technologies:

(1) Incineration.

(2) Any technologies demonstrated under the Assembled Chemical Weapons Assessment on or before May 1, 2000.

(b) ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED- As used in subsection (a), the term 'Assembled Chemical Weapons Assessment' means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in section 101(b) of Public Law 104-208; 110 Stat. 3009-101; 50 U.S.C. 1521 note).

SEC. 152. REPORT ON ASSESSMENT OF NEED FOR FEDERAL ECONOMIC ASSISTANCE FOR COMMUNITIES IMPACTED BY CHEMICAL DEMILITARIZATION ACTIVITIES.

(a) **REPORT REQUIRED-** Not later than April 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and of the House of Representatives a report on the impact of the Department of Defense chemical agents and munitions destruction program on the communities in the vicinity of the chemical weapons stockpile storage sites and associated chemical agent demilitarization activities at the following facilities:

- (1) Anniston Chemical Activity, Alabama.
- (2) Blue Grass Chemical Activity, Kentucky.
- (3) Deseret Chemical Depot, Utah.
- (4) Edgewood Chemical Activity, Maryland.
- (5) Newport Chemical Activity, Indiana.
- (6) Pine Bluff Chemical Activity, Arkansas.
- (7) Pueblo Chemical Activity, Colorado.
- (8) Umatilla Chemical Depot, Oregon.

(b) **RECOMMENDATION-** The Secretary shall include in the report a recommendation regarding whether Federal economic assistance for any or all of those communities to assist in meeting the impact of that program is needed and appropriate. If the Secretary's recommendation is that such economic assistance is needed and appropriate for any or all of such communities, the Secretary shall include in the report criteria for determining the amount of such economic assistance.

(c) **MATTERS TO BE CONSIDERED IN ASSESSING IMPACT-** In assessing the impact of the program referred to in subsection (a) for purposes of preparing the report required by that subsection and the recommendation required by subsection (b), the Secretary shall consider the following:

- (1) The impact that any change in population as a result of chemical agent demilitarization activities would have on the community.
- (2) The possible temporary nature of such a change in population and the long-range financial impact of such a change in population on the permanent residents of the community.

(3) The initial capitalization required for the services, facilities, or infrastructure to support any increase in population.

(4) The operating costs for sustaining or upgrading the services, facilities, or infrastructure to support any increase in population.

(5) The costs incurred by local government entities for improvements to emergency evacuation routes required by the chemical demilitarization activities.

(6) Such other factors as the Secretary considers appropriate.

SEC. 153. PROHIBITION AGAINST DISPOSAL OF NON-STOCKPILE CHEMICAL WARFARE MATERIAL AT ANNISTON CHEMICAL STOCKPILE DISPOSAL FACILITY.

No funds authorized to be made available under this or any other Act may be used to facilitate the disposal using the chemical stockpile disposal facility at Anniston, Alabama, of any non-stockpile chemical warfare material that is not stored (as of the date of the enactment of this Act) at the Anniston Army Depot.

PL 106-259, Defense Appropriations Act for FY 2001
AUGUST 9, 2000

TITLE VI - OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$980,100,000, of which \$600,000,000 shall be for Operation and maintenance to remain available until September 30, 2002, \$105,700,000 shall be for Procurement to remain available until September 30, 2003, and \$274,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 2002: *Provided*, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further*, That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program: *Provided further*, That the amount available under Operation and maintenance shall also be available for the conveyance, without consideration, of the Emergency One Cyclone II Custom Pumper truck subject to Army Loan DAAMO1-98-L-0001 to the Umatilla Indian Tribe, the current lessee.

(RESCISSIONS)

SEC. 8055.

Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act, or October 1, 2000, whichever is later, from the following accounts in the specified amounts:

`Chemical Agents and Munitions Destruction, Army, 2000/2002', \$1,103,000:

SEC. 8073.

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

PL 106-79, Defense Appropriations Act for FY 2000
OCTOBER 25, 1999

TITLE VI - OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,029,000,000, of which 543,500,000 shall be for Operation and maintenance to remain available until September 30, 2001, \$191,500,000 shall be for procurement to remain available until September 30, 2002, and \$294,000,000 shall be for Research, development, test and evaluation to remain available until September 30, 2001: Provided, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: Provided further, That the Secretaries concerned shall, pursuant to uniform regulations prescribe travel and transportation allowances for travel by participants in the off-island leave program.

TITLE VIII - GENERAL PROVISIONS

SEC. 8077

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8090

Of the funds provided in the Department of Defense Appropriations Act, 1999 (Public Law 105-262), \$452,100,000, to reflect savings from revised economic assumptions, is hereby rescinded as of the date of the enactment of this Act, or October 1, 1999, whichever is later, from the following accounts in the specified amounts:

- "Aircraft Procurement, Army", \$8,000,000;
- "Missile Procurement, Army", \$7,000,000;
- "Procurement of Weapons and Tracked Combat Vehicles, Army", \$9,000,000;
- "Procurement of Ammunition, Army", \$6,000,000;
- "Other Procurement, Army", \$19,000,000;
- "Aircraft Procurement, Navy", \$44,000,000;
- "Weapons Procurement, Navy", \$8,000,000;
- "Procurement of Ammunition, Navy and Marine Corps", \$3,000,000;
- "Shipbuilding and Conversion, Navy", \$37,000,000;
- "Other Procurement, Navy", \$23,000,000;
- "Procurement, Marine Corps", \$5,000,000;
- "Aircraft Procurement, Air Force", \$46,000,000;

"Missile Procurement, Air Force", \$14,000,000;
"Procurement of Ammunition, Air Force", \$2,000,000;
"Other Procurement, Air Force", \$44,400,000;
"Procurement, Defense-Wide", \$5,200,000;
"Chemical Agents and Munitions Destruction, Army", \$5,000,000;
"Research, Development, Test and Evaluation, Army", \$20,000,000;
"Research, Development, Test and Evaluation, Navy", \$40,900,000;
"Research, Development, Test and Evaluation, Air Force", \$76,900,000; and
"Research, Development, Test and Evaluation, Defense-Wide", \$28,700,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8159

- (a) Report Required Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the management of the chemical weapons demilitarization program.
- (b) Report Elements .--The report under subsection (a) shall include the following:
 - (1) A description and assessment of the current management structure of the chemical weapons demilitarization program, including the management of the assembled chemical weapons assessment (ACW A) program.
 - (2) An assessment of the feasibility and advisability for the management of the chemical weapons demilitarization program of the assignment of a panel for oversight of the management of program, which panel would--
 - (A) consist of officials of the Department of Defense and of other departments and agencies of the Federal Government having an interest in the safe and timely demilitarization of chemical weapons; and
 - (B) prepare annual reports on the schedule, cost, and effectiveness of the program.
 - (3) Any other matters relating to the management of the chemical weapons demilitarization program, including the improvement of the management of the program, that the Secretary considers appropriate.

PL 106-65, Defense Authorization Act for FY 2000
OCTOBER 05, 1999

DIVISION A -- DEPARTMENT OF DEFENSE AUTHORIZATION

TITLE I -- PROCUREMENT

SUBTITLE A -- AUTHORIZATION OF APPROPRIATIONS

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 2000 the amount of \$1,024,000,000 for--

- (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
- (2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SUBTITLE E -- CHEMICAL STOCKPILE DESTRUCTION PROGRAM

SEC. 141. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

(a) Program Assessment.--

- (1) The Secretary of Defense shall conduct an assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions, including the Assembled Chemical Weapons Assessment, for the purpose of reducing significantly the cost of such program and ensuring completion of such program in accordance with the obligations of the United States under the Chemical Weapons Convention while maintaining maximum protection of the general public, the personnel involved in the demilitarization program, and the environment.
- (2) Based on the results of the assessment conducted under paragraph (1), the Secretary may take those actions identified in the assessment that may be accomplished under existing law to achieve the purposes of such assessment and the chemical agents and munitions stockpile destruction program.
- (3) Not later than March 1, 2000, the Secretary shall submit to Congress a report on--
 - (A) those actions taken, or planned to be taken, under paragraph (2); and
 - (B) any recommendations for additional legislation that may be required to achieve the purposes of the assessment conducted under paragraph (1) and of the chemical agents and munitions stockpile destruction program.

(b) Changes and Clarifications Regarding Program.--Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 50 U.S.C. 1521) is amended--

- (1) in subsection (c)--
 - (A) by striking paragraph (2) and inserting the following new paragraph:
 - "(2) Facilities constructed to carry out this section shall, when no longer needed for the purposes for which they were constructed, be disposed of in accordance with applicable laws

and regulations and mutual agreements between the Secretary of the Army and the Governor of the State in which the facility is located.";

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(C) by inserting after paragraph (2) (as amended by subparagraph (A)) the following new paragraph:

"(3)(A) Facilities constructed to carry out this section may not be used for a purpose other than the destruction of the stockpile of lethal chemical agents and munitions that exists on November 8, 1985.

"(B) The prohibition in subparagraph (A) shall not apply with respect to items designated by the Secretary of Defense as lethal chemical agents, munitions, or related materials after November 8, 1985, if the State in which a destruction facility is located issues the appropriate permit or permits for the destruction of such items at the facility.";

(2) in subsection (f)(2), by striking "(c)(4)" and inserting "(c)(5)"; and

(3) in subsection (g)(2)(B), by striking "(c)(3)" and inserting "(c)(4)".

(c) Comptroller General Assessment and Report.--

(1) Not later than March 1, 2000, the Comptroller General of the United States shall review and assess the program for destruction of the United States stockpile of chemical agents and munitions and report the results of the assessment to the congressional defense committees.

(2) The assessment conducted under paragraph (1) shall include a review of the program execution and financial management of each of the elements of the program, including--

(A) the chemical stockpile disposal project;

(B) the nonstockpile chemical materiel project;

(C) the alternative technologies and approaches project;

(D) the chemical stockpile emergency preparedness program; and

(E) the assembled chemical weapons assessment program.

(d) Definitions.--As used in this section:

(1) The term "Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-208; 110 Stat. 3009-101; 50 U.S.C. 1521 note).

(2) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

SEC. 142. COMPTROLLER GENERAL REPORT ON ANTICIPATED EFFECTS OF PROPOSED CHANGES IN OPERATION OF STORAGE SITES FOR LETHAL CHEMICAL AGENTS AND MUNITIONS.

- (a) Report Required.--Not later than March 31, 2000, the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the proposal in the latest quadrennial defense review to reduce the Federal civilian workforce involved in the operation of the eight storage sites for lethal chemical agents and munitions in the continental United States and to convert to contractor operation of the storage sites. The workforce reductions addressed in the report shall include those that are to be effectuated by fiscal year 2002.
- (b) Content of Report.--The report shall include the following:
 - (1) For each site, a description of the assigned chemical storage, chemical demilitarization, and industrial missions.
 - (2) A description of the criteria and reporting systems applied to ensure that the storage sites and the workforce operating the storage sites have--
 - (A) the capabilities necessary to respond effectively to emergencies involving chemical accidents; and
 - (B) the industrial capabilities necessary to meet replenishment and surge requirements.
 - (3) The risks associated with the proposed workforce reductions and contractor performance, particularly regarding chemical accidents, incident response capabilities, community-wide emergency preparedness programs, and current or planned chemical demilitarization programs.
 - (4) The effects of the proposed workforce reductions and contractor performance on the capability to satisfy permit requirements regarding environmental protection that are applicable to the performance of current and future chemical demilitarization and industrial missions.
 - (5) The effects of the proposed workforce reductions and contractor performance on the capability to perform assigned industrial missions, particularly the materiel replenishment missions for chemical or biological defense or for chemical munitions.
 - (6) Recommendations for mitigating the risks and adverse effects identified in the report.

TITLE X - GENERAL PROVISIONS

SUBTITLE G - OTHER MATTERS

SEC. 1065. CHEMICAL AGENTS USED FOR DEFENSIVE TRAINING.

- (a) Authority To Transfer Agents.--
 - (1) The Secretary of Defense may transfer to the Attorney General, in accordance with the Chemical Weapons Convention, quantities of lethal chemical agents required to support training at the Center for Domestic Preparedness in Fort McClellan, Alabama. The quantity of lethal chemical agents transferred under this section may not exceed that required to support training for emergency first-response personnel in addressing the health, safety, and law enforcement concerns associated with potential terrorist incidents that might involve the use of lethal chemical weapons or agents, or other training designated by the Attorney General.

- (2) The Secretary of Defense, in coordination with the Attorney General, shall determine the amount of lethal chemical agents that shall be transferred under this section. Such amount shall be transferred from quantities of lethal chemical agents that are produced, acquired, or retained by the Department of Defense.
- (3) The Secretary of Defense may not transfer lethal chemical agents under this section until--
 - (A) the Center referred to in paragraph (1) is transferred from the Department of Defense to the Department of Justice; and
 - (B) the Secretary determines that the Attorney General is prepared to receive such agents.
- (4) To carry out the training described in paragraph (1) and other defensive training not prohibited by the Chemical Weapons Convention, the Secretary of Defense may transport lethal chemical agents from a Department of Defense facility in one State to a Department of Justice or Department of Defense facility in another State.
- (5) Quantities of lethal chemical agents transferred under this section shall meet all applicable requirements for transportation, storage, treatment, and disposal of such agents and for any resulting hazardous waste products.
- (b) Annual Report.--The Secretary of Defense, in consultation with the Attorney General, shall report annually to Congress regarding the disposition of lethal chemical agents transferred under this section.
- (c) Non-Interference With Treaty Obligations.--Nothing in this section may be construed as interfering with United States treaty obligations under the Chemical Weapons Convention.
- (d) Chemical Weapons Convention Defined.--In this section, the term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

TITLE XXIV -- DEFENSE AGENCIES

SEC. 2406 INCREASE IN FISCAL YEAR 1997 AUTHORIZATION FOR MILITARY CONSTRUCTION PROJECTS AT PUEBLO CHEMICAL ACTIVITY, COLORADO.

The table in section 2401

- (a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104-201; 110 Stat. 2775) is amended--
 - (1) in the item relating to Pueblo Chemical Activity, Colorado, under the agency heading relating to Chemical Demilitarization Program, by striking "\$179,000,000" in the amount column and inserting "\$203,500,000"; and
 - (2) by striking the amount identified as the total in the amount column and inserting "\$549,954,000".
- (b) Conforming Amendment.--Section 2406(b)(2) of that Act (110 Stat. 2779) is amended by striking "\$179,000,000" and inserting "\$203,500,000".

PL 106-52, Military Construction Appropriations Act for FY 2000
AUGUST 17, 1999

General Provisions

SEC. 131. Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended for any purpose relating to the construction at Bluegrass Army Depot, Kentucky, of any facility employing a specific technology for the demilitarization of assembled chemical munitions until the date on which the Secretary of Defense certifies to the Committees on Appropriations that the Department of Defense will complete a demonstration of the six alternatives to baseline incineration for the destruction of chemical agents and munitions as identified by the Program Evaluation Team of the Assembled Chemical Weapons Assessment program.

This Act may be cited as the "Military Construction Appropriations Act, 2000".

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

PL 105-262, Defense Appropriations Act for FY 1999
OCTOBER 17, 1998

TITLE VI - OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Army

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile; \$780,150,000, of which \$491,700,000 shall be for Operation and maintenance, \$115,670,000 shall be for Procurement to remain available until September 30, 2001, and \$172,780,000 shall be for Research, development, test and evaluation to remain available until September 30, 2000: Provided , That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: Provided further , That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

TITLE VIII – GENERAL PROVISIONS

SEC. 8078

1. None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.
2. The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.
3. The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8123

Of the funds available under title VI for "Chemical Agents and Munitions Destruction, Army" for research and development, \$18,000,000 shall be made available for the program manager for the Assembled Chemical Weapons Assessment (under section 8065 of the Department of Defense Appropriations Act, 1997) for demonstrations of technologies under the Assembled Chemical Weapons Assessment, for planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, and for the design, construction, and operation of a pilot facility for the technology.

SEC. 8127.

From within funds available for the Department of Defense under title VI of this Act for "Chemical Agents and Munitions Destruction, Army", or the unobligated balances of funds available for "Chemical Agents and Munitions Destruction, Defense", under any other Act making appropriations for military functions administered by the Department of Defense for any fiscal year, the Secretary of Defense may use not more than \$25,000,000 for the Assembled Chemical Weapons Assessment to complete the demonstration of alternatives

to baseline incineration for the destruction of chemical agents and munitions and to carry out the pilot program under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-208; 110 Stat. 3009-101; *50 U.S.C. 1521* note). The amount specified in the preceding sentence is in addition to any other amount that is made available under title VI of this Act to complete the demonstration of the alternatives and to carry out the pilot program: Provided, That none of these funds shall be taken from any ongoing operational chemical munitions destruction programs.

PL 105-261, Defense Authorization Act for FY 1999
OCT. 17, 1998

TITLE I – PROCUREMENT

SUBTITLE A- AUTHORIZATION OF APPROPRIATIONS

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

1. There is hereby authorized to be appropriated for fiscal year 1999 the amount of \$803,000,000 for—
2. the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*); and
3. the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SUBTITLE E -- OTHER MATTERS

SEC. 141. CHEMICAL STOCKPILE EMERGENCY PREPAREDNESS PROGRAM.

- (a) ASSISTANCE TO STATE AND LOCAL GOVERNMENTS.--Section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; *50 U.S.C. 1521*), is amended by adding at the end of subsection (c) the following:

"(4)(A) In coordination with the Secretary of the Army and in accordance with agreements between the Secretary of the Army and the Director of the Federal Emergency Management Agency, the Director shall carry out a program to provide assistance to State and local governments in developing capabilities to respond to emergencies involving risks to the public health or safety within their jurisdictions that are identified by the Secretary as being risks resulting from—

"(i) the storage of lethal chemical agents and munitions referred to in subsection (a) at military installations in the continental United States; or

"(ii) the destruction of such agents and munitions at facilities referred to in paragraph (1)(B).

"(B) No assistance may be provided under this paragraph after the completion of the destruction of the United States' stockpile of lethal chemical agents and munitions.

"(C) Not later than December 15 of each year, the Director shall transmit a report to Congress on the activities carried out under this paragraph during the fiscal year preceding the fiscal year in which the report is submitted."

- (b) PROGRAM FUNDING.--Section 1412(f) of such Act (*51 U.S.C. 1521(f)*) is amended--

(1) by striking out " Identification of Funds.--Funds" and inserting in lieu thereof " Identification of Funds.--(1) Funds"; and

(2) by adding at the end the following new paragraph:

"(2) Amounts appropriated to the Secretary for the purpose of carrying out subsection (c)(4) shall be promptly made available to the Director of the Federal Emergency Management Agency."

(c) PERIODIC REPORTS.--Section 1412(g) of such Act (50 U.S.C. 1521(g)) is amended--

- (1) in paragraph (2)(B)--
 - (A) by striking out "and" at the end of clause (v);
 - (B) by striking out the period at the end of clause (vi) and inserting in lieu thereof "; and"; and
 - (C) by adding at the end the following new clause:

"(vii) grants to State and local governments to assist those governments in carrying out functions relating to emergency preparedness and response in accordance with subsection (c)(3).";
- (2) by redesignating subparagraph (B) (as amended by paragraph (1)) and subparagraph (C) of paragraph (2) as subparagraphs (C) and (D), respectively; and
- (3) by inserting after paragraph (2)(A) the following new subparagraph (B):

"(B) A site-by-site description of actions taken to assist State and local governments (either directly or through the Federal Emergency Management Agency) in carrying out functions relating to emergency preparedness and response in accordance with subsection (c)(3)."

SEC. 142. ALTERNATIVE TECHNOLOGIES FOR DESTRUCTION OF ASSEMBLED CHEMICAL WEAPONS.

- (a) PROGRAM MANAGEMENT.-- The program manager for the Assembled Chemical Weapons Assessment shall continue to manage the development and testing (including demonstration and pilot-scale testing) of technologies for the destruction of lethal chemical munitions that are potential or demonstrated alternatives to the baseline incineration program. In performing such management, the program manager shall act independently of the program manager for Chemical Demilitarization and shall report to the Under Secretary of Defense for Acquisition and Technology.
- (b) POST-DEMONSTRATION ACTIVITIES. --
 - (1) The program manager for the Assembled Chemical Weapons Assessment may carry out those activities necessary to ensure that an alternative technology for the destruction of lethal chemical munitions can be implemented immediately after—
 - (A) the technology has been demonstrated to be successful; and
 - (B) the Under Secretary of Defense for Acquisition and Technology has submitted a report on the demonstration to Congress that includes a decision to proceed with the pilot-scale facility phase for an alternative technology.
 - (2) To prepare for the immediate implementation of any such technology, the program manager may, during fiscal years 1998 and 1999, take the following actions:
 - (A) Establish program requirements.
 - (B) Prepare procurement documentation.
 - (C) Develop environmental documentation.

- (D) Identify and prepare to meet public outreach and public participation requirements.
 - (E) Prepare to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999.
- (c) INDEPENDENT EVALUATION.--The Under Secretary of Defense for Acquisition and Technology shall provide for an independent evaluation of the cost and schedule of the Assembled Chemical Weapons Assessment, which shall be performed and submitted to the Under Secretary not later than September 30, 1999. The evaluation shall be performed by a nongovernmental organization qualified to make such an evaluation.
- (d) PILOT FACILITIES CONTRACTS.—
 - (1) The Under Secretary of Defense for Acquisition and Technology shall determine whether to proceed with pilot-scale testing of a technology referred to in paragraph (2) in time to award a contract for the design, construction, and operation of a pilot facility for the technology to the provider team for the technology not later than December 30, 1999. If the Under Secretary determines to proceed with such testing, the Under Secretary shall (exercising the acquisition authority of the Secretary of Defense) so award a contract not later than such date.
 - (2) Paragraph (1) applies to an alternative technology for the destruction of lethal chemical munitions, other than incineration, that the Under Secretary--
 - (A) certifies in writing to Congress is--
 - (i) as safe and cost effective for disposing of assembled chemical munitions as is incineration of such munitions; and
 - (ii) is capable of completing the destruction of such munitions on or before the later of the date by which the destruction of the munitions would be completed if incineration were used or the deadline date for completing the destruction of the munitions under the Chemical Weapons Convention; and
 - (B) determines as satisfying the Federal and State environmental and safety laws that are applicable to the use of the technology and to the design, construction, and operation of a pilot facility for use of the technology.
 - (3) The Under Secretary shall consult with the National Research Council in making determinations and certifications for the purpose of paragraph (2).
 - (4) In this subsection, the term "Chemical Weapons Convention" means the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature on January 13, 1993, together with related annexes and associated documents.
- (e) PLAN FOR PILOT PROGRAM.--If the Secretary of Defense proceeds with a pilot program under section 152(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 214; 50 U.S.C. 1521(f)), the Secretary shall prepare a plan for the pilot program and shall submit to Congress a report on such plan (including information on the cost of, and schedule for, implementing the pilot program).

(f) Funding.—

(1) Of the amount authorized to be appropriated under section 107, funds shall be available for the program manager for the Assembled Chemical Weapons Assessment for the following:

(A) Demonstrations of alternative technologies under the Assembled Chemical Weapons Assessment.

(B) Planning and preparation to proceed from demonstration of an alternative technology immediately into the development of a pilot-scale facility for the technology, including planning and preparation for--

(i) Continued development of the technology leading to deployment of the technology for use;

(ii) satisfaction of requirements for environmental permits;

(iii) demonstration, testing, and evaluation;

(iv) initiation of actions to design a pilot plant;

(v) provision of support at the field office or depot level for deployment of the technology for use; and

(vi) educational outreach to the public to engender support for the deployment.

(C) The independent evaluation of cost and schedule required under subsection (c).

(2) Funds authorized to be appropriated under section 107(1) are authorized to be used for awarding contracts in accordance with subsection (d) and for taking any other action authorized in this section.

(f) **ASSEMBLED CHEMICAL WEAPONS ASSESSMENT DEFINED.**--In this section, the term "Assembled Chemical Weapons Assessment" means the pilot program carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (section 101(b) of Public Law 104-208; 110 Stat. 3009-101; *50 U.S.C. 1521* note).

PL 105-174, Supplemental Appropriations Act for FY 1998
MAY 01, 1998

**TITLE I – EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR THE
DEPARTMENT OF DEFENSE**

CHAPTER 1 – DEPARTMENT OF DEFENSE -- MILITARY

General Provisions (TRANSFER OF FUNDS)

SEC. 6.

Of the funds appropriated in Public Law 105-56, under the heading "Chemical Agents and Munitions Destruction, Defense" for Operation and maintenance, \$40,000,000 shall be transferred to "Operation and Maintenance, Defense-Wide".

PL 105-85, Defense Authorization Act for FY 1998
NOVEMBER 18, 1997

DIVISION A – DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I - PROCUREMENT

SUBTITLE A -- AUTHORIZATION OF APPROPRIATIONS

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1998 the amount of \$600,700,000 for--

- (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
- (2) The destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

TITLE X -- GENERAL PROVISIONS

SUBTITLE G -- OTHER MATTERS

SEC. 1078. RESTRICTIONS ON THE USE OF HUMAN SUBJECTS FOR TESTING OF CHEMICAL OR BIOLOGICAL AGENTS

(a) Prohibited Activities.--The Secretary of Defense may not conduct (directly or by contract)--

- (1) any test or experiment involving the use of a chemical agent or biological agent on a civilian population; or
 - (2) any other testing of a chemical agent or biological agent on human subjects.
- (b) Exceptions.--Subject to subsections (c), (d), and (e), the prohibition in subsection (a) does not apply to a test or experiment carried out for any of the following purposes:
- (1) Any peaceful purpose that is related to a medical, therapeutic, pharmaceutical, agricultural, industrial, or research activity.
 - (2) Any purpose that is directly related to protection against toxic chemicals or biological weapons and agents.
 - (3) Any law enforcement purpose, including any purpose related to riot control.
- (c) Informed Consent Required.--The Secretary of Defense may conduct a test or experiment described in subsection (b) only if informed consent to the testing was obtained from each human subject in advance of the testing on that subject.
- (d) Prior Notice to Congress.--Not later than 30 days after the date of final approval within the Department of Defense of plans for any experiment or study to be conducted by the Department of Defense (whether directly or under contract) involving the use of human subjects for the testing of a chemical agent or a biological agent, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report setting forth a full accounting of those plans, and the experiment or study may then be conducted only after the end of the 30-day period beginning on the date such report is received by those committees.
- (e) Biological Agent Defined.--In this section, the term "biological agent" means any micro-organism (including bacteria, viruses, fungi, rickettsiac, or protozoa),

- pathogen, or infectious substance, and any naturally occurring, bioengineered, or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, that is capable of causing--
- (1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;
 - (2) deterioration of food, water, equipment, supplies, or materials of any kind; or
 - (3) deleterious alteration of the environment.
- (f) Report and Certification.--Section 1703(b) of the National Defense Authorization Act for Fiscal Year 1994 (*50 U.S.C. 1523(b)*) is amended by adding at the end the following new paragraph:
- "(9) A description of any program involving the testing of biological or chemical agents on human subjects that was carried out by the Department of Defense during the period covered by the report, together with--
- "(A) a detailed justification for the testing;
 - "(B) a detailed explanation of the purposes of the testing;
 - "(C) a description of each chemical or biological agent tested; and
 - "(D) the Secretary's certification that informed consent to the testing was obtained from each human subject in advance of the testing on that subject."
- (g) Repeal of Superseded Provision of Law.--Section 808 of the Department of Defense Appropriation Authorization Act, 1978 (*50 U.S.C. 1520*), is repealed.

TITLE XIII—ARMS CONTROL AND RELATED MATTERS

SEC. 1307. SENSE OF CONGRESS REGARDING THE RELATIONSHIP BETWEEN UNITED STATES OBLIGATIONS UNDER THE CHEMICAL WEAPONS CONVENTION AND ENVIRONMENTAL LAWS.

- (a) FINDINGS.--Congress makes the following findings:
- (1) The Chemical Weapons Convention requires the destruction of the United States stockpile of lethal chemical agents and munitions by April 29, 2007 (not later than 10 years after the Convention's entry into force).
 - (2) The President has substantial authority under existing law to ensure that--
 - (A) the technologies necessary to destroy the stockpile are developed;
 - (B) the facilities necessary to destroy the stockpile are constructed; and
 - (3) Federal, State, and local environmental laws and regulations do not impair the ability of the United States to comply with its obligations under the Convention.
 - (4) The Comptroller General has concluded (in GAO Report NSIAD 97018 of February 1997) that--
 - (A) obtaining the necessary Federal and State permits that are required under Federal environmental laws and regulations for building and operating the chemical agents and munitions destruction facilities is among the most unpredictable factors in the chemical demilitarization program; and
 - (B) program cost and schedule are largely driven by the degree to which States and local communities are in agreement with proposed

disposal methods and whether those methods meet environmental concerns.

- (b) SENSE OF CONGRESS.--It is the sense of Congress that the President--
 - (1) should use the authority of the President under existing law to ensure that the United States is able to construct and operate the facilities necessary to destroy the United States stockpile of lethal chemical agents and munitions within the time allowed by the Chemical Weapons Convention; and
 - (2) while carrying out the obligations of the United States under the Convention, should encourage negotiations between appropriate Federal officials and officials of the State and local governments concerned to attempt to meet their concerns regarding compliance with Federal and State environmental laws and regulations and other concerns about the actions being taken to carry out those obligations.
- (c) CHEMICAL WEAPONS CONVENTION DEFINED.--For the purposes of this section, the terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, ratified by the United States on April 25, 1997, and entered into force on April 29, 1997.

DIVISION B – MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXIV – DEFENSE AGENCIES

SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1995 PROJECTS.

The table in section 2401 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103-337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104-106; 110 Stat. 539), under the agency heading relating to Chemical Weapons and Munitions Destruction, is amended--

- (1) in the item relating to Pine Bluff Arsenal, Arkansas, by striking out "\$115,000,000" in the amount column and inserting in lieu thereof "\$134,000,000"; and
- (2) in the item relating to Umatilla Army Depot, Oregon, by striking out "\$186,000,000" in the amount column and inserting in lieu thereof "\$187,000,000".

PL 105-56, Defense Appropriations Act for FY 1998
OCTOBER 08, 1997

TITLE VI OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Defense

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$600,700,000, of which \$462,200,000 shall be for Operation and maintenance, \$72,200,000 shall be for Procurement to remain available until September 30, 2000, and \$66,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1999: Provided, That of the funds available under this heading, \$1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: Provided further , That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

TITLE VIII – GENERAL PROVISIONS

SEC. 8036.

None of the funds in this or any other Act shall be available for the preparation of studies on--

- (1) the cost effectiveness or feasibility of removal and transportation of unitary chemical weapons or agents from the 8 chemical storage sites within the continental United States to Johnston Atoll: Provided , That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and
- (2) the potential future uses of the 9 chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: Provided , That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8084

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

PL 105-18, Supplemental Appropriations Act for FY 1997
JUNE 12, 1997

TITLE 1 - PROCUREMENT

Chapter 2 – Other Department of Defense Programs

Chemical Agents and Munitions Destruction, Defense (RESCISSION)

Of the funds made available under this heading in Public Law 103-335, \$456,000 are rescinded.

Of the funds made available under this heading in Public Law 104-61, \$20,652,000 are rescinded.

Of the funds made available under this heading in Public Law 104-208, \$27,000,000 are rescinded.

PL 104-208, Omnibus Consolidated Appropriations Act for FY 1997
SEPTEMBER 30, 1996

TITLE VI -- OTHER DEPARTMENT OF DEFENSE PROGRAMS
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$758,447,000, of which \$478,947,000 shall be for Operation and maintenance, \$191,200,000 shall be for Procurement to remain available until September 30, 1999, and \$88,300,000 shall be for Research, development, test and evaluation to remain available until September 30, 1998: Provided, That of the funds made available under this heading, \$1,000,000 shall be available until expended only for a Johnston Atoll off-island leave program: Provided further, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations prescribe travel and transportation allowances for travel by participants in the off-island leave program.

TITLE VIII -- GENERAL PROVISIONS

(Transfer of Funds)

SEC. 8038.

None of the funds in this or any other Act shall be available for the preparation of studies on--

- (a) the feasibility of removal and transportation of unitary chemical weapons or agents from the eight chemical storage sites within the continental United States to Johnston Atoll: Provided, That this prohibition shall not apply to General [**3009x97] Accounting Office studies requested by a Member of Congress or a Congressional Committee; and
- (b) potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

(Including Transfer of Funds)

SEC. 8065.

<50 USC 1521 note> Notwithstanding section 142 of H.R. 3230, the National Defense Authorization Act for Fiscal Year 1997, as passed by the Senate on September 10, 1996, of the funds provided in title VI of this Act, under the heading "Chemical Agents and Munitions Destruction, Defense", \$40,000,000 shall only be available for the conduct of a pilot program to identify and demonstrate not less than two alternatives to the baseline incineration process for the demilitarization of assembled chemical munitions: Provided, That the Under Secretary of Defense for Acquisition and Technology shall, not later than December 1, 1996, designate a program manager who is not, nor has been, in direct or immediate control of the baseline reverse assembly incineration demilitarization program to carry out the pilot program: Provided further, That the Under Secretary of Defense for

Acquisition and Technology shall evaluate the effectiveness of each alternative chemical munitions [**3009x102] demilitarization technology identified and demonstrated under the pilot program to demilitarize munitions and assembled chemical munitions while meeting all applicable Federal and State environmental and safety requirements: Provided further, That the Under Secretary of Defense for Acquisition and Technology shall transmit, by December 15 of each year, a report to the congressional defense committees on the activities carried out under the pilot program during the preceding fiscal year in which the report is to be made: Provided further, That section 142(f)(3) of H.R. 3230, <50 USC 1521 note> the National Defense Authorization Act for Fiscal Year 1997, as passed by the Senate on September 10, 1996, is repealed: Provided further, That no funds may be obligated for the construction of a baseline incineration facility at the Lexington Blue Grass Army Depot or the Pueblo Depot activity until 180 days after the Secretary of Defense has submitted to the congressional defense committees a report detailing the effectiveness of each alternative chemical munitions demilitarization technology identified and demonstrated under the pilot program and its ability to meet the applicable safety and environmental requirements: Provided further, That none of the funds in this or any other Act may be obligated for the preparation of studies, assessments, or planning of the removal and transportation of stockpile assembled unitary chemical weapons or neutralized chemical agent to any of the eight chemical weapons storage sites within the continental United States.

SEC. 8097.

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

PL 104-201, Defense Authorization Act for FY 1997
SEPTEMBER 23, 1996

DIVISION A – DEPARTMENT OF DEFENSE AUTHORIZATION

TITLE I – PROCUREMENT

SUBTITLE A -- AUTHORIZATION OF APPROPRIATIONS

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1997 the amount of \$759,847,000 for--

- (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*); and
- (2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SUBTITLE E -- OTHER MATTERS

SEC. 142. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

Section 152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 214; *50 U.S.C. 1521* note) is amended by adding at the end the following new subsections:

"(e) Assessment of Alternative Technologies for Demilitarization of Assembled Chemical Munitions.—

- "(1) In addition to the assessment required by subsection (c), the Secretary of Defense shall conduct an assessment of the chemical demilitarization program for destruction of assembled chemical munitions and of the alternative demilitarization technologies and processes (other than incineration) that could be used for the destruction of the lethal chemical agents that are associated with these munitions, while ensuring maximum protection for the general public, the personnel involved in the demilitarization program, and the environment. The measures considered shall be limited to those that would minimize the risk to the public and reduce the total cost of the chemical agents and munitions destruction program. The assessment shall be conducted without regard to any limitation that would otherwise apply to the conduct of such assessment under any provision of law.
- "(2) The assessment shall be conducted in coordination with the National Research Council.
- "(3) Among the alternatives, the assessment shall include a determination of the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site (other than Tooele Army Depot or Johnston Atoll), and transporting the neutralized remains and all munitions parts to a treatment, storage, and disposal facility within the United States that has the necessary environmental permits to undertake incineration of the material.

- "(4) Based on the results of the assessment, the Secretary shall develop appropriate recommendations for revision of the chemical demilitarization program.
- "(5) Not later than December 31, 1997, the Secretary of Defense shall submit to Congress a report on the assessment conducted in accordance with paragraph (1) and any recommendations for [**2449] revision of the chemical demilitarization program, including the continued development of alternative demilitarization technologies and processes other than incineration that could be used for the destruction of the lethal chemical agents that are associated with these assembled chemical munitions and the chemical munitions demilitarization sites for which the selected technologies should be developed.
- "(f) Pilot Program for Demilitarization of Chemical Agents for Assembled Munitions.—
 - "(1) If the Secretary of Defense makes a decision to continue the development of an alternative demilitarization technology or process (other than incineration) that could be used for the destruction of the lethal chemical agents that are associated with assembled chemical munitions, \$25,000,000 shall be available from the funds authorized to be appropriated in section 107 of the National Defense Authorization Act for Fiscal Year 1997 for the chemical agents and munitions destruction program, in order to initiate a pilot program using the selected alternative technology or process for the destruction of chemical agents that are stored at these sites.
 - "(2) Not less than 30 days before using funds to initiate the pilot program under paragraph (1), the Secretary shall submit notice in writing to Congress of the Secretary's intent to do so.
 - "(3) The pilot program shall be conducted at the selected chemical agent and munitions stockpile storage site for which the alternative technology or process is recommended."

PL 104-106, Defense Authorization Act for FY 1996
FEBRUARY 10, 1996

TITLE I – PROCUREMENT

SUBTITLE A -- AUTHORIZATION OF APPROPRIATIONS

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

There is hereby authorized to be appropriated for fiscal year 1996 the amount of \$672,250,000 for--

- (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*); and
- (2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SUBTITLE E -- CHEMICAL DEMILITARIZATION PROGRAM

SEC. 152. <50 USC 1521 note> DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS.

- (a) IN GENERAL.--The Secretary of Defense shall proceed with the program for destruction of the chemical munitions stockpile of the Department of Defense while maintaining the maximum protection of the environment, the general public, and the personnel involved in the actual destruction of the munitions. In carrying out such program, the Secretary shall use technologies and procedures that will minimize the risk to the public at each site.
- (b) INITIATION OF DEMILITARIZATION OPERATIONS.--The Secretary of Defense may not initiate destruction of the chemical munitions stockpile stored at a site until the following support measures are in place:
 - (1) Support measures that are required by Department of Defense and Army chemical surety and security program regulations.
 - (2) Support measures that are required by the general and site chemical munitions demilitarization plans specific to that installation.
 - (3) Support measures that are required by the permits required by the Solid Waste Disposal Act (*42 U.S.C. 6901 et seq.*) and the Clean Air Act (*42 U.S.C. 7401 et seq.*) for chemical munitions demilitarization operations at that installation, as approved by the appropriate State regulatory agencies.
- (c) ASSESSMENT OF ALTERNATIVES.—
 - (1) The Secretary of Defense shall conduct an assessment of the current chemical demilitarization program and of measures that could be taken to reduce **[**215]** significantly the total cost of the program, while ensuring maximum protection of the general public, the personnel involved in the demilitarization program, and the environment. The measures considered shall be limited to those that would minimize the risk to the public. The assessment shall be conducted without regard to any limitation that would otherwise apply to the conduct of such an assessment under any provision of law.
 - (3) The assessment shall be conducted in coordination with the National Research Council.

- (4) Based on the results of the assessment, the Secretary shall develop appropriate recommendations for revision of the chemical demilitarization program.
 - (5) Not later than March 1, 1996, the Secretary of Defense shall submit to the congressional defense committees an interim report assessing the current status of the chemical stockpile demilitarization program, including the results of the Army's analysis of the physical and chemical integrity of the stockpile and implications for the chemical demilitarization program, and providing recommendations for revisions to that program that have been included in the budget request of the Department of Defense for fiscal year 1997. The Secretary shall submit to the congressional defense committees with the submission of the budget request of the Department of Defense for fiscal year 1998 a final report on the assessment conducted in accordance with paragraph (1) and recommendations for revision to the program, including an assessment of alternative demilitarization technologies and processes to the baseline incineration process and potential reconfiguration of the stockpile that should be incorporated in the program.
- (d) ASSISTANCE FOR CHEMICAL WEAPONS STOCKPILE COMMUNITIES AFFECTED BY BASE CLOSURE.—
- (1) The Secretary of Defense shall review and evaluate issues associated with closure and reutilization of Department of Defense facilities co-located with continuing chemical stockpile and chemical demilitarization operations.
 - (2) The review shall include the following:
 - (A) An analysis of the economic impacts on these communities and the unique reuse problems facing local communities associated with ongoing chemical weapons programs.
 - (B) Recommendations of the Secretary on methods for expeditious and cost-effective transfer or lease of these facilities to local communities for reuse by those communities.
 - (3) The Secretary shall submit to the congressional defense committees a report on the review and evaluation under this subsection. The report shall be submitted not later than 90 days after the date of the enactment of this Act.

SEC. 153. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM.

- (a) TRAVEL FUNDING FOR MEMBERS OF CHEMICAL DEMILITARIZATION CITIZENS' ADVISORY COMMISSIONS.--Section 172(g) of Public Law 102-484 (50 U.S.C. 1521 note) is amended to read as follows:
- "(g) Pay and Expenses.--Members of each commission shall receive no pay for their involvement in the activities of their commissions. Funds appropriated for the Chemical Stockpile Demilitarization Program may be used for travel and associated travel and associated travel costs for Citizens' Advisory commissioners, when such travel is conducted at the invitation of the Assistant Secretary of the Army (Research, Development, and Acquisition)."

- (b) QUARTERLY REPORT CONCERNING TRAVEL FUNDING FOR CITIZENS' ADVISORY COMMISSIONERS – Section 1412(g) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521 (g), is amended –
- (1) by striking out “(g) ANNUAL REPORT.-“ and inserting in lieu thereof “(g) PERIODIC REPORTS.-“
 - (2) in paragraph (2) –
 - (A) by striking out “Each such report shall contain-“ and inserting in lieu thereof “Each annual report shall contain-“
 - (B) in subparagraph (B)-
 - (i) by striking out “and” at the end of clause 9iv);
 - (ii) by striking out the period at the end of clause (v) and inserting in lieu thereof “;and”; and
 - (iii) by adding at the end the following:

“(vi) travel and associated travel costs for Citizens' Advisory Commissioners under section 172(g) of Public Law 102-484 (50U.S.C. 1521 note).”
 - (3) by redesignating paragraph (3) as paragraph (4);
 - (4) by inserting after paragraph (2) the following new paragraph (3):

“(3) The secretary shall transmit to the Committee on Armed Services and the Committee on Appropriations of the Senate and the committee on National Security and the committee on Appropriations of the House of Representatives a quarterly report containing an accounting of all funds expended (during the quarter covered by the report) for travel and associated travel costs for Citizens' Advisory commissioners under section 172(g) of Public Law 102-484 (50 U.S.C. 1521 note). The quarterly report for the final quarter of the period covered by a report under paragraph 91) may be included in the report.’; and
 - (5) in paragraph (4), as redesignated by paragraph (3)-
 - (A) by striking out “this subsection” and inserting in lieu thereof” paragraph (1)”; and
 - (B) by adding at the end the following: “No quarterly report is required under paragraph (3) after the transmittal of the final report under paragraph (1).”.
- (c) DIRECTOR OF PROGRAM – SECTION 1412 (E)(3) OF THE Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(e)(3)), is amended by inserting ‘or civilian equivalent’ after “general officer”.

PL 104-61, Defense Appropriations Act for FY 1996
DECEMBER 01, 1995

TITLE VI – OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Defense

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$672,250,000, of which \$353,850,000 shall be for Operation and maintenance, \$265,000,000 shall be for Procurement to remain available until September 30, 1998, and \$53,400,000 shall be for Research, development, test and evaluation to remain available until September 30, 1997.

TITLE VIII – GENERAL PROVISIONS

SEC. 8059.

None of the funds in this or any other Act shall be available for the preparation of studies on--

- (a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States to Johnston Atoll: Provided, That this prohibition shall not apply to General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and
- (b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8069

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

PL 103-337, Defense Authorization Act for FY 1995
OCTOBER 05, 1994

TITLE I – PROCUREMENT

SUBTITLE A - AUTHORIZATION OF APPROPRIATIONS

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.

- (a) AUTHORIZATION.--There is hereby authorized to be appropriated for fiscal year 1995 the amount of \$599,549,000 for--
 - (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
 - (2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.
- (b) LIMITATION.--Of the funds specified in subsection (a)--
 - (1) \$363,584,000 is for operations and maintenance;
 - (2) \$215,265,000 is for procurement; and
 - (3) \$20,700,000 is for research and development efforts in support of the chemical weapons program.
- (c) AUTHORITY FOR OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.--The Secretary of Defense may obligate funds appropriated for research, development, test, and evaluation of alternative technologies under the heading " Chemical Agents and Munitions Destruction, Defense" in title VI of Public Law 103-139 (107 Stat. 1436).

SUBTITLE E -- OTHER MATTERS

SEC. 142. IDENTIFICATION IN BUDGET OF FUNDS FOR CHEMICAL DEMILITARIZATION MILITARY CONSTRUCTION PROJECTS

Section 1412(f) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(f) is amended –

- (1) by inserting “, including funds for military construction projects necessary to carry out this section,” after “carrying out this section”; and
- (2) by striking out the last sentence.

SEC. 143. <50 USC 1512a> TRANSPORTATION OF CHEMICAL MUNITIONS.

- (a) PROHIBITION OF TRANSPORTATION ACROSS STATE LINES.--The Secretary of Defense may not transport any chemical munition that constitutes part of the chemical weapons stockpile out of the State in which that munition is located on the date of the enactment of this Act and, in the case of any such chemical munition not located in a State on the date of the enactment of this Act, may not transport any such munition into a State.
- (b) TRANSPORTATION OF CHEMICAL MUNITIONS NOT IN CHEMICAL WEAPONS STOCKPILE.--In the case of any chemical munitions that are discovered or otherwise come within the control of the Department of Defense and that do not constitute part of the chemical weapons stockpile, the Secretary of Defense may transport such munitions to the nearest chemical munitions stockpile storage facility

that has necessary permits for receiving and storing such items if the transportation of such munitions to that facility--

- (1) is considered by the Secretary of Defense to be necessary; and
- (2) can be accomplished while protecting public health and safety.

PL 103-335, Defense Appropriations Act for FY 1995
SEPTEMBER 30, 1994

TITLE VI – OTHER DEPARTMENT OF DEFENSE PROGRAMS

Chemical Agents and Munitions Destruction, Defense

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$575,449,000, of which \$355,784,000 shall be for Operation and maintenance, \$198,965,000 shall be for Procurement to remain available until September 30, 1997, and \$20,700,000 shall be for Research, development, test and evaluation to remain available until September 30, 1996.

TITLE VIII – GENERAL PROVISIONS

SEC. 8065.

None of the funds in this or any other Act shall be available for the preparation of studies on--

- (a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: Provided, That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act, or for General Accounting Office studies requested by a Member of Congress or a Congressional Committee; and
- (b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8088.

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

PL 103-160, Defense Authorization Act for FY94
NOVEMBER 30, 1993

TITLE I – PROCUREMENT

SUBTITLE A -- AUTHORIZATION OF APPROPRIATIONS

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM

- (a) AUTHORIZATION.--There is hereby authorized to be appropriated for fiscal year 1994 the amount of \$379,561,000 for--
 - (1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and
 - (2) the destruction of chemical warfare material of the United States that is not covered by section 1412 of such Act.
- (b) LIMITATION.--Of the funds specified in subsection (a)--
 - (1) \$280,361,000 is for operations and maintenance;
 - (2) \$72,600,000 is for procurement; and
 - (3) \$26,600,000 is for research and development efforts in support of the nonstockpile chemical weapons program.
- (c) CLARIFICATION OF COOPERATIVE AGREEMENT AUTHORITY.--Subsection (c)(3) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), is amended by striking out "and approving" in the third sentence and inserting in lieu thereof ", approving, and overseeing".

SUBTITLE E -- OTHER MATTERS

SEC. 155. ADMINISTRATION OF CHEMICAL DEMILITARIZATION PROGRAM

- (a) SUBMISSION OF REPORTS ON ALTERNATIVE TECHNOLOGIES – Section 173(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2343) is amended by striking out the period at the end and inserting in lieu thereof “and a period of 60 days has passed following the submission of the report. During such 60-day period each Chemical Demilitarization Citizens’ Advisory commission in existence on the date of the enactment of the national Defense Authorization Act for Fiscal year 1994 may submit such committees on the report as it considers appropriate to the Committees on Armed Services of the Senate and House of Representatives.”.
- (b) EXTENSION OF DEADLINE FOR SUBMISSION OF REVISED CONCEPT PLAN – Section 175 (d) of such Act (106) Stat. 2344) is amended by striking out “not later than 180 days’ and all that follows and inserting in lieu thereof “during the 120-day period beginning at the end of the 60-day period following the submission of the report of the Secretary required under section 173.”

SEC. 156. CHEMICAL MUNITIONS DISPOSAL FACILITIES, TOOELE ARMY DEPOT, UTAH.

- (a) LIMITATION PENDING CERTIFICATION.--After January 1, 1994, none of the funds appropriated to the Department of Defense for fiscal year 1993 or 1994 may be obligated for the systemization of chemical munitions disposal facilities at Tooele

- Army Depot, Utah, until the Secretary of Defense submits to Congress a certification described in subsection (b).
- (b) **CERTIFICATION REQUIREMENT.**--A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that--
 - (1) the operation of the chemical munitions disposal facilities at Tooele Army Depot will not jeopardize the health, safety, or welfare of the community surrounding Tooele Army Depot; and
 - (2) adequate base support, management, oversight, and security personnel to ensure the public safety in the operation of chemical munitions disposal facilities constructed and operated at Tooele Army Depot will remain at that depot while chemical munitions storage or disposal activities continue.
 - (c) **SUPPORTING REPORT.**--The Secretary of Defense shall include with a certification under this section a report specifying all base support, management, oversight, and security personnel to be retained at Tooele Army Depot after the realignment of that depot is completed.

DIVISION B -- MILITARY CONSTRUCTION AUTHORIZATIONS

TITLE XXI - - ARMY

SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

- (a) In General.--Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$2,378,919,000 as follows: ...
 - ... (3) For the construction of the **Chemical Demilitarization** Facility, Anniston Army Depot, Alabama, authorized in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. [**1859] 1758), section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1508), and section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2586), \$95,300,000.

SEC. 2106. CONSTRUCTION OF CHEMICAL MUNITIONS DISPOSAL FACILITIES.

- (a) **LIMITATION ON CONSTRUCTION.** None of the amounts appropriated pursuant to the authorization of appropriations in section 2104(a) may be obligated for the construction of a new chemical munitions disposal facility at Anniston Army Depot, Alabama, until the Secretary of Defense submits a certification described in subsection (b).
- (b) **CERTIFICATION.** A certification referred to in subsection (a) is a certification submitted by the Secretary of Defense to Congress that--
 - (1) the Johnston Atoll Chemical Agent Disposal System has operated successfully for a period of six months, has met all required environmental and safety standards, and has proven to be operationally effective; and

- (2) if the Secretary of the Army awards a construction contract for the chemical munitions disposal facility at Anniston Army Depot, Alabama, the Secretary of the Army will schedule the award of a construction contract for a chemical munitions disposal facility at another non-low-volume chemical weapons storage site in the continental United States during the same 12-month period in which the construction contract for the facility at the Anniston Army Depot is awarded.

PL 103-139, Defense Appropriations Act, 1994
NOVEMBER 11, 1993

TITLE VI – OTHER DEPARTMENT OF DEFENSE PROGRAMS
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$389,947,000, of which \$291,261,000 shall be for Operation and maintenance, \$67,986,000, shall be for Procurement to remain available until September 30, 1996, and \$30,700,000, shall be for Research, development, test and evaluation to remain available until September 30, 1995.

TITLE VIII – GENERAL PROVISIONS

SEC. 8075A.

None of the funds in this or any other Act shall be available for the preparation of studies on--

- (a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: Provided, That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act, or for General Accounting [*1458] Office studies requested by a Member of Congress or a Congressional Committee; and
- (b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 8117.

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

PL 102-484, Defense Authorizations Act for FY 1993
OCTOBER 23, 1992

TITLE I – PROCUREMENT

SUBTITLE A -- FUNDING AUTHORIZATION

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 1993 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), in the amount of \$515,300,000.

SUBTITLE G - CHEMICAL DEMILITARIZATION PROGRAM

SEC. 171. CHANGE IN CHEMICAL WEAPONS STOCKPILE ELIMINATION DEADLINE.

Section 1412(b)(5) of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521(b)(5)*), is amended by striking out "July 31, 1999" and inserting in lieu thereof "December 31, 2004".

SEC. 172. <50 USC 1521 note> CHEMICAL DEMILITARIZATION CITIZENS ADVISORY COMMISSIONS.

- (a) Establishment.
 - (1) The Secretary of the Army shall establish a citizens' commission for each State in which there is a ²³⁴² low-volume site (as defined in section 180). Each such commission shall be known as the "Chemical Demilitarization Citizens' Advisory Commission" for that State.
 - (2) The Secretary shall also establish a Chemical Demilitarization Citizens' Advisory Commission for any State in which there is located a chemical weapons storage site other than a low-volume site, if the establishment of such a commission for such State is requested by the Governor of that State.
- (b) Functions. The Secretary of the Army shall provide for a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) to meet with each commission under this section to receive citizen and State concerns regarding the ongoing program of the Army for the disposal of the lethal chemical agents and munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521(a)(1)*) at each of the sites with respect to which a commission is established pursuant to subsection (a).
- (c) Membership.
 - (1) Each commission established for a State pursuant to subsection (a) shall be composed of nine members appointed by the Governor of the State. Seven of such members shall be citizens from the local affected areas in the State; the other two shall be representatives of State government who have direct responsibilities related to the chemical demilitarization program.
 - (2) For purposes of paragraph (1), affected areas are those areas located within a 50-mile radius of a chemical weapons storage site.
- (d) Conflicts of Interest. For a period of five years after the termination of any commission, no corporation, partnership, or other organization in which a member

of that commission, a spouse of a member of that commission, or a natural or adopted child of a member of that commission has an ownership interest may be awarded --

- (1) a contract related to the disposal of lethal chemical agents or munitions in the stockpile referred to in section 1412(a)(1) of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521(a)(1)); or
 - (2) a subcontract under such a contract.
- (e) Chairman. The members of each commission shall designate the chairman of the commission from among the members of the commission.
- (f) Meetings. Each commission shall meet with a representative from the Office of the Assistant Secretary of the Army (Installations, Logistics, and Environment) upon joint agreement between the chairman of the commission and that representative. The two parties shall meet not less often than twice a year and may meet more often at their discretion.
- (g) Pay and Expenses. Members of each commission shall receive no pay or compensation for their involvement in their activities of the commission.
- (h) Termination of Commissions. Each commission shall be terminated after the stockpile located in that commission's State has been destroyed.

SEC. 173. EVALUATION OF ALTERNATIVE TECHNOLOGIES.

- (a) Report. Not later than December 31, 1993, the Secretary of the Army shall submit to Congress a report on the potential [**2343] alternatives to the use of the Army's baseline disassembly and incineration process for the disposal of lethal chemical agents and munitions. The report shall include the following:
- (1) An analysis of the report of the Committee on Alternative Chemical Demilitarization Technologies of the National Research Council of the National Academy of Sciences.
 - (2) Any recommendations that the National Academy of Sciences makes to the Army regarding the report of that committee, together with the Secretary's evaluation of those recommendations.
 - (3) A comparison of the baseline disassembly and incineration process with each alternative technology evaluated in the report of such committee that the National Academy of Sciences recommends for use in the Army Chemical Stockpile Disposal Program, taking into consideration each of the following factors:
 - (A) Safety.
 - (B) Environmental protection.
 - (C) Cost effectiveness.
 - (4) For each alternative technology recommended by the National Academy of Sciences, the date by which the Army could reasonably be expected to systematize, construct, and test the technology, obtain all necessary environmental and other permits necessary for using that technology for the disposal of lethal chemical agents and munitions, and have the technology available for full-scale chemical weapons destruction and demilitarization operations.

- (5) A description of alternatives to incineration that are being developed by Russia for use in its chemical demilitarization program and an assessment of the extent to which such alternatives could be used to destroy lethal chemical weapons in the United States inventory of such weapons.
 - (6) Consideration of appropriate concerns arising from meetings of the Chemical Demilitarization Citizens' Advisory Commissions established pursuant to section 172.
 - (7) In any case in which the criteria specified in section 174 are met, notification that the Secretary intends to implement an alternative technology disposal process at a low-volume site.
- (b) Limitation.
- (1) Except as provided in paragraphs (2) and (3), the Secretary of the Army may not commence site preparation for, or construction of, a facility for disassembly and incineration of chemical agents until the report required under subsection (a) is submitted to Congress.
 - (2) The limitation in paragraph (1) does not apply to any facility for disassembly and incineration of chemical agents (of the eight such facilities identified in the Army Chemical Stockpile Disposal Program) at which site preparation or construction has commenced before the date of the enactment of this Act.
 - (3) Except as provided in section 175, the limitation in paragraph (1) does not apply to the following:
 - (A) Facility design activities.
 - (B) The obtaining of environmental permits.
 - (C) Project planning.
 - (D) Procurement of equipment for installation in a facility.
 - (E) Dual purpose depot support construction projects which are needed to ensure the continuing safe storage of chemical [**2344] weapons stocks and their ultimate disposal regardless of the technology employed.

SEC. 174. <50 USC 1521 note> ALTERNATIVE DISPOSAL PROCESS FOR LOW-VOLUME SITES.

- (a) Requirement for Alternative Process. If the date by which chemical weapons destruction and demilitarization operations can be completed at a low-volume site using an alternative technology process evaluated by the Secretary of the Army falls within the deadline established by the amendment made by section 171 and the Secretary determines that the use of that alternative technology process for the destruction of chemical weapons at that site is significantly safer and equally or more cost-effective than the use of the baseline disassembly and incineration process, then the Secretary of the Army, as part of the requirement of section 1412(a) of Public Law 99-145, shall carry out the disposal of chemical weapons at that site using such alternative technology process. In addition, the Secretary may carry out the disposal of chemical weapons at sites other than low-volume sites using an alternative technology process (rather than the baseline process) after notifying Congress of the Secretary's intent to do so.

- (b) Applicability of Certain Provisions of Section 1412. Subsections (c), (e), (f), and (g) of section 1412 of Public Law 99-145 (*50 U.S.C. 1521*) shall apply to this section and to activities under this section in the same manner as if this section were part of that section 1412.

**SEC. 175. <50 USC 1521 note> REVISED CHEMICAL WEAPONS DISPOSAL
CONCEPT PLAN.**

- (a) Revised Plan. If, pursuant to section 174, the Secretary of the Army is required to implement an alternative technology process for destruction of chemical weapons at any low-volume site, the Secretary shall submit to Congress a revised chemical weapons disposal concept plan incorporating the alternative technology process and reflecting the revised stockpile disposal schedule developed under section 1412(b) of Public Law 99-145 (*50 U.S.C. 1521(b)*), as amended by section 171. In developing the revised concept plan, the Secretary should consider, to the maximum extent practicable, revisions to the program and program schedule that capitalize on the changes to the chemical demilitarization schedule resulting from the revised stockpile elimination deadline by reducing cost and decreasing program risk.
- (b) Matters To Be Included. The revised concept plan should include --
 - (1) life-cycle cost estimates and schedules; and
 - (2) a description of the facilities and operating procedures to be employed using the alternative technology process.
- (c) Applicability of Certain Provisions of Section 1412. Subsection (c) of section 1412 of Public Law 99-145 (*50 U.S.C. 1521*) shall apply to the revised concept plan in the same manner as if this section were part of that section 1412.
- (d) Submission of Revised Plan. If the Secretary is required to submit a revised concept plan under this section, the Secretary shall submit the revised concept plan not later than 180 days after the date on which the Secretary submits the report required under section 173.
- (e) Limitation. If the Secretary is required to submit a revised concept plan under this section, no funds may be obligated for procurement of equipment or for facilities planning and design activities (other than for those preliminary planning and design [**2345] activities required to comply with subsection(b)(2)) for a chemical weapons disposal facility at any low-volume site at which the Secretary intends to implement an alternative technology process until the Secretary submits the revised concept plan.

SEC. 176. REPORT ON DESTRUCTION OF NONSTOCKPILE CHEMICAL MATERIAL.

- (a) Report Required.
 - (1) Not later than February 1, 1993, the Secretary of the Army shall submit to Congress a report setting forth the Army's plans for destroying all chemical warfare material of the United States not covered by section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), that would be required to be destroyed if the United States became a party to a chemical weapons convention described in paragraph (2).

- (2) The chemical weapons convention referred to in paragraph (1) is a chemical weapons convention that is substantially the same as the final draft of the proposed international Chemical Weapons Convention (CWC) tabled by the Chairman of the United Nations Conference on Disarmament Ad Hoc Committee on Chemical Weapons on June 22, 1992 (CD/CW/WP.400/Rev.1).
- (b) Materials To Be Covered by Report. The chemical warfare material covered by the report shall include the following:
 - (1) Binary chemical munitions.
 - (2) Buried chemical munitions.
 - (3) Chemical munitions recovered from ranges.
 - (4) Chemical weapons production facilities.
 - (5) All other chemical warfare material referred to in subsection (a).
- (c) Matters To Be Included in Report. The report shall include the following:
 - (1) A list of all suspected locations (including ranges) of buried or unexpended chemical munitions.
 - (2) An estimate of the number of such munitions and, of that number, how many of such munitions are planned to be destroyed.
 - (3) An inventory of the former chemical weapons production facilities and previously contaminated storage containers and the plans for destroying those facilities and containers.
 - (4) An inventory of the binary chemical munitions and the plans for destroying those munitions.
 - (5) The locations at which the chemical warfare materials and facilities referred to in subparagraphs (A) through (D) will be destroyed.
 - (6) A description of the use, if any, that will be made of the Chemical Agent and Munitions Disposal System (CAMDS) facility, Tooele, Utah, in the destruction of those chemical warfare materials, as well as possible future uses of that facility for the destruction of conventional munitions or for research and development of possible alternative technologies for the destruction of chemical munitions.
 - (7) For the chemical warfare materials that cannot be destroyed in place or on site, a description of the means to be used for transporting the materials to disposal facilities.
 - (8) An estimate of the cost of destroying such chemical warfare materials and facilities.
 - (9) An estimate of the time that will be necessary to destroy such chemical warfare materials and facilities and the Secretary's [**2346] determination of the likelihood that such materials and facilities can be destroyed by December 31, 2004.
 - (10) A determination as to whether it is a realistic option to transport chemical agents and munitions currently stored at low-volume disposal sites to other locations for destruction instead of destroying those munitions at those sites, taking into consideration safety, cost effectiveness, and the potential obligations of the United States under a chemical weapons convention to transport substantial quantities of chemical warfare munitions and materials

not in the United States stockpile of lethal chemical agents and munitions to various locations for destruction.

SEC. 177. PHYSICAL AND CHEMICAL INTEGRITY OF THE CHEMICAL WEAPONS STOCKPILE.

- (a) Report Required. Not later than May 1, 1993, the Secretary of the Army shall submit to Congress a report on the physical and chemical integrity of the existing chemical weapons that are contained in the chemical weapons stockpile of the United States and are stored within the eight chemical weapons storage sites within the continental United States.
- (b) Content of Report. The report shall include the following matters:
 - (1) A critical analysis of the near-term, mid-term, and long-term storage life of all chemical materials and chemical munitions contained within the storage sites referred to in subsection (a).
 - (2) For each class of chemical munitions and chemical agents, an analysis of the overall frequency of leaks of the munitions and agents and the frequency of leaks of the munitions and agents at each storage site.
 - (3) For each class of munitions and agents and for each storage site, a description of the finite risks and potential harm to human health and environmental quality that are associated with such catastrophic events as container breach, spontaneous munition ignition, and leak.
 - (4) A critical analysis of the risks associated with the storage of the chemical munitions and chemical agents in each class of chemical munitions and chemical agents that are stored at each storage site through December 31, 2004.
 - (5) A discussion of actions that could be taken to minimize or eliminate the risks identified pursuant to paragraphs (1) through (4).

SEC. 178. SENSE OF CONGRESS CONCERNING INTERNATIONAL CONSULTATION AND EXCHANGE PROGRAM

It is the sense of Congress that the Secretary of Defense is consultation with the Secretary of State, should establish, with other nations that are anticipated to be signatories to an international agreement or treaty banning chemical weapons, a program under which consultation and exchange concerning chemical weapons disposal technology could be enhanced. Such a program shall be used to facilitate the exchange of technical information and advice concerning the disposal of chemical weapons among signatory nations and to further the development of safer, more cost-effective methods for the disposal of chemical weapons.

SEC. 179. TECHNICAL AMENDMENTS TO SECTION 1412.

Section 1412 of Public Law 99-145 (50 U.S.C. 1521) is amended as follows:

- (1) Subsection (a) is amended –
 - (A) by striking out “(1)” before “Notwithstanding any other provision of law,”: and
 - (B) by striking out paragraph (2).
- (2) Subsection (c) is amended by striking out “subsection (2) Subsection (a)(1)” and inserting in lieu thereof” subsection (a)’.

- (3) Subsection (g) is amended-
 - (A) in paragraph (1), by striking out “paragraph (4)” and inserting in lieu thereof paragraph (3)”;
 - (B) by striking out paragraph (2);
 - (C) by redesignating paragraph (3) as paragraph (2) and in that paragraph striking out “report other than the first one” and inserting in lieu thereof ‘such report”; and
 - (D) by redesignating paragraph (4) as paragraph (3).

SEC. 180. <50 USC 1521 note> DEFINITION OF LOW-VOLUME SITE.

For purposes of this subtitle, the term "low-volume site" means one of the three chemical weapons storage sites in the United States at which there is stored 5 percent or less of the total United States stockpile of unitary chemical weapons.

PL 102-396, Defense Appropriations Act, 1993
OCTOBER 6, 1992

TITLE VI – OTHER DEPARTMENT OF DEFENSE PROGRAMS
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 [**1898] of the Department of Defense Authorization Act, 1986; \$518,600,000, of which \$267,400,000 shall be for Operation and maintenance, \$244,700,000, to remain available until September 30, 1995, shall be for Procurement, and \$6,500,000, to remain available until September 30, 1994, shall be for Research, development, test and evaluation.

TITLE IX – GENERAL PROVISIONS

SEC. 9092A.

None of the funds in this or any other Act shall be available for the preparation of studies on --

- (a) the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States: Provided, That this prohibition shall not apply to non-stockpile material in the United States or to studies needed for environmental analysis required by the National Environmental Policy Act;
- (b) the potential future uses of the nine chemical disposal facilities other than for the destruction of stockpile chemical munitions and as limited by section 1412(c)(2), Public Law 99-145: Provided, That this prohibition does not apply to future use studies for the CAMDS facility at Tooele, Utah.

SEC. 9131.

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.
- (b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

PL 102-190, Defense Authorization Act for FY 1992/1993
DECEMBER 5, 1991

TITLE I – PROCUREMENT

Part A – Funding Authorization

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM.

- (a) Funding. Funds are hereby authorized to be appropriated for fiscal year 1992 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), in the amount of \$472,602,000.
- (b) Funding for Army Cryofracture Program. Within the amount authorized to be appropriated by subsection (a), \$33,900,000 is available for the Army cryofracture program, of which --
 - (1) \$13,900,000 is available for research, development, test, and evaluation of the cryofracture method of chemical weapons demilitarization only; and
 - (2) \$20,000,000 is available for the procurement of long lead items for a cryofracture demonstration plant on and after the date on which the Secretary of the Army certifies in writing to the congressional defense committees that the Army will construct a cryofracture demonstration plant.

Part F – Other matters

SEC. 151. CHEMICAL WEAPONS STOCKPILE DISPOSAL PROGRAM.

- (a) Change in Stockpile Elimination Deadline. Subsection (b)(5) of section 1412 of the Department of Defense Authorization Act, 1986 (*50 U.S.C. 1521*), is amended by striking out "April 30, 1997" and inserting in lieu thereof "July 31, 1999".
- (b) Clarification of Cooperative Agreement Authority. Subsection (c)(3) of such section is amended by adding at the end the following: "Additionally, the Secretary may provide funds through cooperative agreements with State and local governments for the purpose of assisting them in processing and approving permits and licenses necessary for the construction and operation of facilities to carry out this section. The Secretary shall ensure that funds provided through such a cooperative agreement are used only for the purpose set forth in the preceding sentence."

PL 102-172, Defense Appropriations Act, 1992
NOVEMBER 26, 1991

TITLE VI -- OTHER DEPARTMENT OF DEFENSE PROGRAMS
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, \$208,698,000; for Procurement, \$151,800,000 to remain available until September 30, 1994; for Research, development, test and evaluation, \$13,900,000 to remain available until September 30, 1993; In all: \$374,398,000: Provided, That none of the funds in this Act may be obligated or expended for the procurement of equipment for chemical weapon disposal facilities at Anniston Army Depot or Umatilla Army Depot until the Secretary of the Army certifies to the Congress that Phase III of Operational Verification Testing at the Johnston Atoll Chemical Agent Destruction Facility has begun.

TITLE VII – GENERAL PROVISION

SEC. 8108A.

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the [**1200] transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.
- (b) The prohibition in subsection (a) shall not apply to:
 - (1) any chemical munition withdrawn from the Federal Republic of Germany under a European retrograde program; or
 - (2) any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.
- (c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8109.

None of the funds available in this or any other Act shall be available for the preparation of further studies on the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States. This prohibition does not apply to studies needed for environmental analyses required by the National Environmental Policy Act.

PL 102-27, Supplemental Appropriations Act of 1991
APRIL 10, 1991

TITLE II -- SUPPLEMENTAL APPROPRIATIONS

**CHAPTER II - DEPARTMENT OF DEFENSE -- MILITARY OPERATION AND
MAINTENANCE**

GENERAL PROVISIONS

SEC. 201A.

Of the funds made available to the Department of Defense for Chemical Agents and Munitions Destruction, Defense, an amount not to exceed \$2,000,000 shall be available only for an off-island leave program: Provided, That notwithstanding any other provision of law, the Secretaries concerned may, pursuant to uniform regulations, prescribe travel and transportation allowances for travel performed by participants in the off-island leave program: Provided further, That funds appropriated for the off-island leave program shall remain available until expended.

PL 101-511, Defense Appropriations Act for FY 1991
NOVEMBER 5, 1990

TITLE VI - OTHER DEPARTMENT OF DEFENSE APPROPRIATIONS
CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, \$159,100,000; for Procurement, \$115,100,000 to remain available until September 30, 1993; for Research, development, test and evaluation, \$5,300,000 to remain available until September 30, 1992, only for cryofracture; for retrograde, \$13,200,000 to remain available until September 30, 1992; In all: \$292,700,000.

TITLE VIII – GENERAL PROVISIONS

SEC. 8107.

- (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions to the Johnston Atoll for the purpose of storing or demilitarizing such munitions.
- (b) The prohibition in subsection (a) shall not apply to:
 - (1) any chemical munition withdrawn from the Federal Republic of Germany under a European retrograde program; or
 - (2) any obsolete World War II chemical munition of the United States found in the World War II Pacific Theater of Operations.
- (c) The provisions of subsection (b)(1) shall not be construed to supersede or otherwise affect the decision of any court relating to the authority of the President or Secretary of Defense under any other law to transport chemical munitions to Johnston Atoll for demilitarization or to store or use Johnston Atoll for the demilitarization or storage of chemical munitions withdrawn from the [**1903] Federal Republic of Germany under a European retrograde program.
- (d) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

(TRANSFER OF FUNDS)

SEC. 8109.

None of the funds available in this or any other Act shall be available for the preparation of further studies on the feasibility of removal and transportation of unitary chemical weapons from the eight chemical storage sites within the continental United States. This prohibition does not apply to studies needed for environmental analyses required by the National Environmental Policy Act.

PL 101-510, Defense Authorizations Act for FY 1991
NOVEMBER 5, 1990

TITLE I – PROCUREMENT

Part A – Funding Authority

SEC. 107. CHEMICAL DEMILITARIZATION PROGRAM

Funds are hereby authorized to be appropriated for fiscal year 1991 for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) in the amount of \$382,600,000.

Part G – Chemical Munitions

SEC. 171. ANNUAL REPORT ON SAFETY OF CHEMICAL WEAPONS STOCKPILE

- (a) ADDITIONAL ITEMS FOR ANNUAL REPORT ON CHEMICAL WEAPONS DEMILITARIZATION PROGRAM. -- Subsection (g)(3) of section 1412 of Public Law 99-145 (*50 U.S.C. 1521*) is amended –
- (1) by striking out "and" at the end of subparagraph (A);
 - (2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof"; and"; and
 - (3) by adding at the end the following:

"(C) an assessment of the safety status and the integrity of the stockpile of lethal chemical agents and munitions subject to this section, including --

 - "(i) an estimate on how much longer that stockpile can continue to be stored safely;
 - "(ii) a site-by-site assessment of the safety of those agents and munitions; and
 - "(iii) a description of the steps taken (to the date of the report) to monitor the safety status of the stockpile and to mitigate any further deterioration of that status."
- (b) SC Technical Amendments. -- Subsections (a)(1) and (h)(1) of such section are amended by striking out "the date of the enactment of this Act" and inserting in lieu thereof "November 8, 1985".

SEC. 172. FUNDING CLARIFICATION FOR CHEMICAL WEAPONS STOCKPILE DISPOSAL PROGRAM

Subsection (c) of section 1412 of Public Law 99-145 (*50 U.S.C. 1521*) is amended by adding at the end the following paragraph:

"(3) In order to carry out subparagraph (A) of paragraph (1), the Secretary may make grants to State and local governments (either directly or through the Federal Emergency Management Agency) to assist those governments in carrying out functions relating to emergency preparedness and response in connection with the disposal of lethal chemical agents and munitions referred to in subsection (a). Funds available to the Department of Defense for the purpose of carrying out this section may be used for such grants."

SEC. 173. <50 USC 1511 note> CHEMICAL WEAPONS STOCKPILE SAFETY CONTINGENCY PLAN

- (a) **DEVELOPMENT OF PLAN.** -- The Secretary of Defense shall develop a plan setting forth the steps the Department of Defense would take if the chemical weapons stockpile of the United States began an accelerated rate of deterioration (or experienced any other event which called into question its continued safe storage) before a **[**1508]** comprehensive full-scale chemical weapons disposal capability is developed. The plan shall address --
 - (1) the schedule that would have to be followed to put the plan into effect;
 - (2) the level of funding that would be required to put the plan into effect;
 - (3) the equipment and other resources that would be required to put the plan into effect; and
 - (4) an assessment of how quickly the plan could be placed into effect in the event of an emergency.
- (b) **UPDATES.** -- The Secretary shall periodically update the plan developed pursuant to subsection (a) as needed.
- (c) **SUBMISSION TO CONGRESS.** -- The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a copy of the plan developed pursuant to subsection (a). The submission shall be made not later than 180 days after the date of the enactment of this Act.

TITLE III – OPERATION AND MAINTENANCE

Part F – Studies and Reports

SEC. 364. REPORT ON THE TRANSPORTATION OF CHEMICAL WEAPONS FROM THE FEDERAL REPUBLIC OF GERMANY TO JOHNSTON ISLAND

- (a) **REPORT REQUIRED.** -- The Secretary of the Army shall prepare a report analyzing the safety aspects of the project to remove and transport chemical weapons stored in the Federal Republic of Germany to Johnston Island, with special emphasis on measures undertaken to ensure safety during the actual transportation of the weapons.
- (b) **USE OF REPORT.** -- The report required by subsection (a) shall be used as part of each Phase I site specific environmental impact statement study of chemical weapons storage sites in the United States (including the Aberdeen Proving Ground, Maryland, and the Lexington-Blue Grass Army Depot, Kentucky) that is initiated on or after the date of the enactment of this Act. These Phase I studies are being used to assist in determining the validity of the programmatic on-site disposal decisions that have been made for those sites. Information from the report shall be incorporated in any Phase I assessment of transportation alternatives for those sites.
- (c) **SUBMISSION OF REPORT.** -- The report required by subsection (a) shall be submitted to Congress not later than 60 days after the date the transportation project referred to in that subsection is completed.

PL 101-189, Defense Authorizations Act for FY 1990/1991
NOVEMBER 28, 1989

TITLE I – PROCUREMENT

Part A – Funding Authority

SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM

Funds are hereby authorized to be appropriated for the destruction of lethal chemical weapons in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747) as follows:

- (1) \$263,700,000 for fiscal year 1990.
- (2) \$317,700,000 for fiscal year 1991.

Part H – Chemical Munitions

SEC. 171. RESTRICTION ON OBLIGATION OF FUNDS FOR PROCUREMENT OF BINARY CHEMICAL MUNITIONS

- (a) 155-MILLIMETER BINARY CHEMICAL MUNITIONS. -- None of the funds appropriated or otherwise made available for fiscal year 1990 for procurement of ammunition for the Army may be used for production of 155-millimeter binary chemical munition M687 projectiles until --
 - (1) the Secretary of the Army submits to the congressional defense committees a certification described in subsection (b); and
 - (2) a period of two weeks elapses after the date on which such certification is received.
- (b) REQUIRED CERTIFICATION. -- A certification by the Secretary of the Army under subsection (a) must state --
 - (1) that, based on deliveries of M20 plastic, M20 steel, and M21 components of the M687 projectile accepted by the Government from the incumbent contractor --
 - (A) the incumbent contractor has demonstrated monthly delivery rates of those components sufficient to eliminate before October 1, 1990, the production backlog of all those components for the M687 rounds authorized for production for fiscal years 1986, 1987, and 1988;
 - (B) the components and rounds for which delivery has been accepted conform to the contract specifications at the time that the Government entered into the contract; and
 - (C) the incumbent contractor has sustained those monthly delivery rates for such components for a period not less than three consecutive months; and
 - (3) that the new production lines at Pine bluff Arsenal, Arkansas, for the production of chemicals for the M687 projectile have been proven out and the Secretary of the Army has formally accepted the facility housing those production lines.
- (c) MONTHLY GAO REPORTS – Not later than February 1, 1990, and not later than the first day of each month thereafter, the comptroller General of the United States shall submit to the congressional defense committees a report on the previous month's production rate for the M20 plastic, M20 steel, and M21 components of the

M687 projectile and on the status of the production backlog for fiscal years 1986, 1987, and 1988 for those components. The Comptroller General shall continue submitting such reports until he certifies to those committees either that the production backlog for those components has been eliminated or that production of the components has been terminated

- (d) **FINAL GAO CERTIFICATION.** -- Not later than two weeks after a certification is submitted under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees a report containing the Comptroller General's assessment of whether the monthly delivery rates referred to in subsection (b)(1) demonstrate that there are reasonable grounds to believe that the incumbent contractor will continue to deliver at those monthly rates in order to eliminate the backlog of deliveries by October 1, 1990.
- (e) **EXCEPTION FOR CERTAIN LONG-LEAD MATERIALS.** -- The limitation in subsection (a) shall not apply with respect to the obligation of funds (not in excess of \$2,000,000) for long-term lead materials to support procurement of plastics for canister production for the M687 projectile.

SEC. 172. CHEMICAL MUNITIONS EUROPEAN RETROGRADE PROGRAM

- (a) **LIMITATIONS ON RETROGRADE PROGRAM** – The Secretary of Defense may not obligate any funds appropriated for fiscal year 1990 for the purpose of carrying out the chemical munitions European retrograde program involving the withdrawal from Europe of chemical munitions until each of the following occurs:
 - (1) The Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a certification-
 - (A) that an adequate United States binary chemical munitions stockpile will exist before any withdrawal of the existing stockpile from its present location in Europe is carried out; and
 - (B) that the plan for such retrograde program is based on –
 - (i) minimum technical risk;
 - (ii) minimum operational risk; and
 - (iii) maximum safety to the public.
 - (2) The Secretary submits to those committees a revised concept plan for such retrograde program that includes a description of –
 - (A) the full budgetary effect of the retrograde program; and
 - (B) the potential effect of the retrograde program on the chemical demilitarization program.
- (b) **LIMITATION OF TRANSFER OF FUNDS** – The Secretary of Defense may not transfer any funds from the chemical demilitarization emergency response program for the retrograde program referred to in subsection (a).

SEC. 173. CHEMICAL DEMILITARIZATION CRYOFRACTURE PROGRAM

- (a) **PROGRAM** – The Secretary of Defense, to the extent funds are available for the purpose, shall proceed as expeditiously as possible with the project to develop and operational cryofracture facility at the Tooele Army Depot, Utah.
- (b) **USE OF FISCAL YEAR 1989 FUNDS** – Of the amount authorized and appropriated for fiscal year 1989 for the chemical demilitarization program , \$16,300,000 shall be

obligated immediately for continued research and development testing of the cryofracture program.

PL 101-165, Defense Appropriations Act for FY 1990
NOVEMBER 21, 1989

TITLE VI -- CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986, as follows: for Operation and maintenance, \$148,400,000; for Procurement, \$73,000,000; for Research, development, test, and evaluation, \$8,000,000, of which not less than \$6,100,000 shall be available only for cryofracture: Provided, That of the funds appropriated for Chemical Agents and Munitions Destruction, Defense for research, development, test and evaluation for fiscal year not less than \$16,300,000 must be obligated for cryofracture not later than January 15, 1990: Provided further, That the Secretary of Defense may only delegate responsibility for the program planning, policy, budget, management, execution and general oversight of the destruction of chemical agents and munitions and the retrograde movement of chemical agents and munitions to the Secretary of the Army; for retrograde, \$27,610,000; In all: \$257,010,000: Provided, That the amount provided for Procurement shall remain available until September 30, 1992, and the amount provided for Research, development, test, and evaluation shall remain available until September 30, 1991 and the amount provided for retrograde shall remain available until September 30, 1992: Provided further, That of the funds appropriated for retrograde, not more than \$10,000,000 may be obligated or expended, nor may any chemical munitions be moved from existing storage sites, until the Secretary of Defense certifies to the Congress that the Johnston Atoll Chemical Agent Disposal System has destroyed live agent chemical munitions and that adequate storage capacity exists on Johnston Atoll to safely accommodate any chemical munitions or hazardous materials transported to that site: Provided further, That none of the funds appropriated in this or any other Act may be obligated to construct additional chemical munition storage facilities on Johnston Atoll.

PL 100-463, Defense Appropriations Act, 1989
OCTOBER 1, 1988

TITLE VI - CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986; \$179,500,000, of which \$117,300,000 shall remain available for obligation until September 30, 1989, \$17,900,000 shall remain available for obligation until September 30, 1990, \$44,300,000 shall remain available for obligation until September 30, 1991.

PL 100-456, Defense Authorizations Act for FY 1989
SEPTEMBER 9, 1988

TITLE I – PROCUREMENT

Part A – Funding Authority

SEC. 105. Chemical Demilitarization Program

Funds are hereby authorized to be appropriated for fiscal year 1989 for the chemical demilitarization program under section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) in the amount of \$17,900,000, of which –

- (1) \$44,300,000 is for procurement;
- (2) \$17,900,000 is for research, development, test, and evaluation, and
- (3) \$117,300,000 is for operation and maintenance.

Part B – Program Requirements Restrictions and Limitations

SEC. 118. MODIFICATIONS IN CHEMICAL DEMILITARIZATION PROGRAM

- (a) EXTENSION OF DEADLINE FOR COMPLETION OF PROGRAM. -- Subsection (b) of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1512(b)) <50 USC 1521> is amended --
 - (1) by striking out "September 30, 1994" in paragraphs (1) and (3)(A) and inserting in lieu thereof "the stockpile elimination deadline";
 - (2) in paragraph (3)(B), by striking out "within 30 days" and all that follows in that paragraph and inserting in lieu thereof "not later than the earlier of (A) 30 days after the date on which the decision to defer is made, or (B) 30 days before the stockpile elimination deadline."; and
 - (3) by adding at the end the following new paragraphs:
 - “(4) If the Secretary determines at any time that there will be a delay in meeting the requirement in paragraph (1) for the completion of the destruction of chemical weapons by the stockpile elimination deadline, the Secretary shall immediately notify the Committees on Armed Services of the Senate and House of Representatives of that projected delay.
 - “(5) For purposes of this section, the term 'stockpile elimination deadline' means April 30, 1997.”.
- (b) REQUIREMENT FOR SUCCESSFUL COMPLETION OF OPERATIONAL VERIFICATION. -- Such section is further amended by striking out subsection (k) and inserting in lieu thereof the following:
 - “(k) OPERATIONAL VERIFICATION. --
 - “(1) Until the Secretary of the Army successfully completes (through the prove-out work to be conducted at Johnston Atoll) operational verification of the technology to be used for the destruction of live chemical agents and munitions under this section, the Secretary may not conduct any activity for equipment prove out and systems test before live chemical agents are introduced at a facility (other than the Johnston Atoll facility) at which the destruction of chemical agent and

munitions weapons is to take place under this section. The limitation in the preceding sentence shall not apply with respect to the Chemical Agent Munition Disposal System in Tooele, Utah.

- “(2) Upon the successful completion of the prove out of the equipment and facility at Johnston Atoll, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and [**1935] House of Representatives a report certifying that the prove out is completed.
- “(3) If the Secretary determines at any time that there will be a delay in meeting the deadline of December 31, 1990, scheduled by the Department of Defense for completion of the operational verification at Johnston Atoll referred to in paragraph (1), the Secretary shall immediately notify the Committees of that projected delay.”.

TITLE II – RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Part A – Authorization and Funding for Specific Program

SEC. 208. CHEMICAL WEAPONS CONVENTION COMPLIANCE MONITORING PROGRAM

Of the amounts appropriated pursuant to section 201, \$6,800,000 shall be available only to conduct a program to develop and demonstrate compliance monitoring capabilities in support of the Convention on the Prohibition of Chemical Weapons proposed by the United States in the Conference on Disarmament.

PL 100-202, Continuing Appropriations, FY 1988
DECEMBER 22, 1987

TITLE VI - CHEMICAL AGENTS AND MUNITIONS DESTRUCTION DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986; \$198,5000,000, of which \$97,000,000 shall remain available for obligation until September 30, 1988, \$4,900,000 shall remain available for obligation until September 30, 1989, and \$96,6000,000 shall remain available for obligation until September 30, 1990.

PL 100-180, Defense Authorizations Act for FY 1988/1989
DECEMBER 4, 1987

DIVISION A - DEPARTMENT OF DEFENSE AUTHORIZATION

TITLE I --PROCUREMENT

Part A - Funding Authorizations

SEC 107.

Funds are hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1988 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99Stat. 747), in the amount of \$125,100,000 of which --

- (1) \$94,100,000 shall be for operation and maintenance;
- (2) \$11,500,000 shall be for research, development, test and evaluation; and
- (3) \$19,500,000 shall be for procurement.

Part C - Miscellaneous Provisions

SEC. 125.

- (a) **DEFINITION** - For purposes of this section, the term "chemical stockpile demilitarization program" means the program established by section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), to provide for the destruction of the United States' stockpile of lethal chemical agents and munitions.
- (b) **ENVIRONMENTAL IMPACT STATEMENT** -- The Secretary of Defense shall issue the final Programmatic Environmental Impact Statement on the chemical Stockpile demilitarization program by January 1, 1988. The Environmental Impact Statement shall be prepared in accordance with all applicable laws.
- (c) **DISPOSAL TECHNOLOGIES** -
 - (1) Funds appropriated pursuant to this Act or otherwise made available for fiscal year 1988 for the chemical stockpile demilitarization program may not be obligated for procurement or for an Army military construction project at a military installation or facility inside the continental United States until the Secretary of Defense certifies to congress in writing that the concept plan under the program includes the following:
 - (A) Evaluation of alternate technologies for disposal of the existing stockpile and selection of the technology or technologies to be used for such purpose.
 - (B) Full-scale operational verification of the technology or technologies selected for such disposal.
 - (C) Maximum protection for public health and the environment)
 - (2) The limitation in paragraph (1) shall not apply with respect to the obligation of funds for the technology evaluation or development program.
- (d) **ALTERNATIVE CONCEPT PLAN** -- The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives an alternative concept plan for the chemical stockpile demilitarization program. The alternative concept plan shall -
 - (1) incorporate the requirements of subsections (b) and (c); and

- (2) specify any revised schedule or revised funding and requirement necessary to enable the Secretary to meet the requirements of subsections (b) and (c).
The Alternative concept plan shall be submitted by March 15, 1988.
- (e) SURVEILLANCE AND ASSESSMENT PROGRAM -- The Secretary of Defense shall conduct an ongoing comprehensive program of -
 - (1) surveillance of the existing United States stockpile of chemical weapons; and
 - (2) assessment of the condition of the stockpile.

PL 99-661, Defense Authorizations Act for FY 1987
NOVEMBER 14, 1986

TITLE I -- PROCUREMENT

Part E - Chemical Weapons

**SEC. 151. AUTHORIZATION OF APPROPRIATIONS FOR CHEMICAL
DEMILITARIZATION PROGRAM**

- (a) AUTHORIZATION OF APPROPRIATIONS. -- Funds are hereby authorized to be appropriated to the Secretary of Defense for fiscal year 1987 for the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747), in the amount of \$120,100,000.
- (b) LIMITATION OF OBLIGATION -- Funds appropriated or otherwise made available for procurement for fiscal year 1987 for the program described in subsection (a) may not be obligated in excess of the amount authorized to be appropriated in that subsection.

**SEC. 152. LIMITATION ON THE EXPENDITURE OF FUNDS FOR THE BIGEYE
BINARY CHEMICAL BOMB**

- (a) LIMITATION ON FISCAL YEAR 1987 FUNDS -- Before October 1, 1987 funds appropriated for fiscal year 1987 for procurement of the BIGEYE binary chemical bomb may not be obligated -
 - (1) for procurement (including procurement of components) of such bomb; or
 - (2) for assembly of such bomb.
- (b) LIMITATION ON FINAL ASSEMBLY -- Before October 1, 1988, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the finally assembly of complete BIGEYE binary chemical bombs.
- (c) LIMITATION ON FISCAL YEAR 1986 FUNDS FOR PRODUCTION FACILITIES --
 - (1) Of the funds appropriated for fiscal year 1986 for production facilities for the BIGEYE binary chemical bomb, not more than \$90,000,000 may be obligated or expended. None of such amount may be obligated or expended until the President certifies to Congress that --
 - (1) the design of the BIGEYE binary chemical bomb is in the national security interests of the United States: and
 - (2) the design planning, and environmental requirements for such facilities have been satisfied.
- (d) GAO MONITORING AND REPORT --
 - (1) The Secretary of Defense shall provide for the involvement of the Comptroller General in monitoring the operational testing of the BIGEYE bomb.
 - (2) After any such testing is completed, the Comptroller General shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on such testing. The report shall include an assessment of such testing and any comments the Comptroller General considers appropriate.
- (e) REPORT ON LONG-RANGE STANDOFF CHEMICAL MUNITIONS --

- (1) The Secretary of Defense shall submit to Congress a report on the military requirements for long-range standoff chemical weapons. The report shall address the military advantages and disadvantages of such weapons and the potential of such weapons to complement the currently planned binary chemical weapons systems.
- (2) Such report shall be submitted not later than March 15, 1987.

SEC. 153. CHEMICAL WEAPONS, AGENTS, OR COMPONENTS AT LEXINGTON - BLUEGRASS DEPOT

- (a) PROHIBITION ON SHIPMENTS TO DEPOT. – No chemical weapons, agents, or components used in chemical weapons may be shipped into Lexington-Bluegrass Depot in Richmond, Kentucky, for any purpose, including disposal.
- (b) PROHIBITION ON FUTURE USE OF DEPOT. – After disposal of the chemical weapons stockpile stored at the Lexington-Bluegrass Depot, as required by section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145), the depot may not be used for the assembly, construction, testing, storage, or disposal of any chemical or biological weapon.
- (c) WAIVER AUTHORITY. – The Secretary of Defense may waive the provisions of subsection (a) or (b) if the Secretary determines that such a waiver is in the national security interest of the United States.

SEC. 154. REPORT ON CHEMICAL WEAPONS DEMILITARIZATION PROGRAM

- (a) REPORT REQUIREMENT. – The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the chemical weapons demilitarization program required by section 1412 of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 99 Stat. 747). The report shall describe-
 - (1) methods for carrying out such program that would optimize safety considerations; and
 - (2) methods for carrying out such program that would optimize cost-effectiveness considerations.
- (b) DEADLINE FOR REPORT - The Report required by subsection (a) shall be submitted not later than February 1, 1987.

SEC. 155. TECHNICAL AMENDMENT TO PL 99-145 RELATING TO BINARY CHEMICALS

Section 1411 (b)(1) of the Department of Defense Authorization Act, 19886 (Public Law 99-145; 99 Stat. 745), is amended by striking out "North Atlantic Council" and inserting in lieu thereof " Defense Planning committee of the North Atlantic Treaty Organization meeting in permanent session".

PL 99-591, Continuing Appropriations Act, 1986
OCTOBER 30, 1986

TITLE VII - CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

For expenses, no otherwise provided for, necessary for the destruction of the United States Stockpile of lethal chemical agents and munitions in accordance with the provision of section 1412 of the Department of Defense Authorization Act, 1986; \$118,700,000, of which \$59,900,000 shall remain available for obligation until September 30, 1987, \$9,600,000 shall remain available for obligation until September 30, 1988, and \$49,200,000 shall remain available for obligation until September 30, 1989.

PL 99-190, Further Continuing Appropriations, 1985
DECEMBER 19, 1985

TITLE VIII -- GENERAL PROVISIONS

SEC. 8093.

Section 1411 of the Department of Defense Authorization Act, 1986 (Public Law 99-145) is amended to read as follows:

"SEC 1411. CONDITIONS ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

- "(a) **LIMITATION ON FISCAL YEAR 1986 FUNDS.** --Funds appropriated pursuant to authorizations of appropriations in title I may not be used --
- "(1) for procurement or assembly of binary chemical munitions (or components of such munitions); or
 - "(2) for establishment of Production facilities necessary for procurement or assembly of binary chemical munitions (or components of such munitions), except in accordance with subsections (b), (c), (d), and (e).
- "(b) **NATO CONSULTATION** -- Subject to subsection (c), (d), and (e), funds referred to in subsection (a) may be used for procurement or assembly of binary chemical munitions or for the establishment of production facilities necessary for the procurement or assembly of binary chemical munitions (or components of such munitions) if the President certifies to Congress that the United States --
- "(1) has submitted to the North Atlantic Treaty Organization, a force goal stating the requirement for modernization of the rent with binary munitions and said force goal has been formally adopted by the North Atlantic Council;
 - "(2) has developed in coordination with the Supreme Allied Commander, Europe a plan under which United States binary chemical munitions can be deployed under appropriate contingency plans to deter chemical weapons attacks against the United States and its allies; and
 - "(3) has consulted with other member nations of the North Atlantic Treaty Organization (NATO) on that plan.
- "(c) **CONDITIONS FOR FINAL ASSEMBLY** -- Funds referred to in subsection (a) may not be used for the final assembly of complete binary chemical munitions before October 1, 1987, and, subject to subsections (d) and 9e), may only be used for such purpose on or after that date if --
- "(1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by that date;
 - "(2) the President, after that date, transmits to Congress a certification that --
 - "(A) final assembly of such complete munitions is necessitated by national security interests of the United States and the interests of other NATO member nations;
 - "(B) handling and storage safety specifications established by the Department of Defense with respect to such munitions will be met or exceeded.
 - "(C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions; and

- "(D) the plan of the Secretary of Defense for destruction of existing United States chemical warfare stocks developed pursuant to section 1412 (which shall, if not sooner transmitted to Congress, accompany such certification) is ready to be implemented;
 - "(3) final assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;
 - "(4) the plan of the Secretary of Defense for land-based storage of such munitions within the United States during peacetime provides that the two components that constitute a binary chemical munition are to be stored in separate States; and
 - "(5) the plan of the Secretary of Defense for the transportation of such munitions within the United States during peacetime provides that the two components that constitute a binary munition are transported separately.
- "(d) RESTRICTIONS ON PRODUCTION OF THE BIGEYE BOMB. -- Except as provided below, none of the funds appropriated pursuant to authorizations of appropriations in title I may be used for procurement or assembly of the BIGEYE binary chemical bomb or for procurement of components for the BIGEYE bomb until 60 days after the Secretary of Defense has submitted a report describing--
- "(1) the specific operational requirements which must be achieved by the BIGEYE system; and
 - "(2) the actual performance of the system during operational testing with respect to each of the operational test criteria; and
 - "(3) any exceptions to the operational criteria deemed acceptable by the department of Defense.
- Subject to subsection (b) nothing in this subsection will prohibit the procurement of BIGEYE production facilities and associated equipment.
- "(e) RESTRICTION ON PRODUCTION OF THE GB-2 ARTILLERY PROJECTILE -- None of the funds appropriated pursuant to authorizations in title I for procurement or assembly of the GB-2 artillery projectile may be obligated or expended before October 1, 1986.
- "(f) SENSE OF CONGRESS -- It is the sense of Congress that existing unitary chemical munitions currently stored in the United States and in European member nations of NATO should be replaced by and in European member nations of NATO should be replaced by modern, safer binary chemical munitions.
- "(g) REPORT -- Not later than October 1, 1986, the President shall submit to Congress a report describing the results of consultations among NATO member nations concerning the organization's chemical deterrent posture. The report shall include descriptions of any consultations concerning --
- "(1) efforts to provide key civilian workers at military support facilities in Europe --
 - "(A) with personal and collective equipment to protect against the use of chemical munitions; and
 - "(B) with the training required for the use of such equipment;
 - "(2) efforts to upgrade the chemical reconnaissance, decontamination, and protective capabilities of the military forces of the military forces of each NATO member nation to a level adequate to meet the chemical threat identified in NATO intelligence estimates;

- "(3) efforts to initiate a NATO-wide study of measures required to protect ports, airfields, logistics centers, and command and control facilities in European member nations of NATO against chemical attack; and
- "(4) efforts to initiate a NATO-wide study of equitable and efficient sharing among NATO member nations of responsibilities with regard to deterring the use of chemical munitions in Europe.

PL 99-145, Defense Authorizations Act for FY 1986
NOVEMBER 8, 1985

TITLE XIV - GENERAL PROVISIONS

Part B - Chemical Weapons

SEC. 1411. CONDITIONS ON SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

- (a) **LIMITATION ON FY86 FUNDS** -- Funds appropriated pursuant to authorizations of appropriations in title I may not be used-
- (1) for procurement or assembly of binary chemical munitions (or components of such munitions); or
 - (2) for establishment of Production facilities necessary for procurement or assembly of binary chemical munitions (or components of such munitions), except in accordance with subsections (b) and (c).
- (b) **NATO CONSULTATION** -- Subject to subsection (c), funds referred to in subsection (a) may be used for procurement or assembly of binary chemical munitions or for the establishment of production facilities necessary for the procurement or assembly of binary chemical munitions (or components of such munitions) if the President certifies to Congress that the United States --
- (1) has developed a plan under which United States binary chemical munitions can be deployed under appropriate contingency plans to deter chemical weapons attacks against the United States and its allies; and
 - (2) has consulted with other member nations of the North Atlantic Treaty Organization (NATO) on that plan.
- A plan under clause (1) shall be developed in cooperation with the Supreme Allied Commander, Europe.
- (c) **CONDITIONS FOR FINAL ASSEMBLY** -- Funds referred to in subsection (a) may not be used for the final assembly of complete binary chemical munitions before October 1, 1987, and may only be used for such purpose on or after that date if-
- (1) a mutually verifiable international agreement concerning binary and other similar chemical munitions has not been entered into by the United States by that date;
 - (2) the President, after that date, transmits to Congress a certification that --
 - (A) final assembly of such complete munitions is necessitated by national security interests of the United States and the interests of other NATO member nations;
 - (B) performance specifications and handling and storage safety specifications established by the Department of Defense with respect to such munitions will be met or exceeded.
 - (C) applicable Federal safety requirements will be met or exceeded in the handling, storage, and other use of such munitions; and
 - (D) the plan of the Secretary of Defense for destruction of existing United States chemical warfare stocks developed pursuant to section 1412 (which shall, if not sooner transmitted to Congress, accompany such certification) is ready to be implemented;

- (3) final assembly is carried out only after the end of the 60-day period beginning on the date such certification is received by the Congress;
- (4) the plan of the Secretary of Defense for land-based storage of such munitions within the United States during peacetime provides that the two components that constitute a binary chemical munition are to be stored in separate States; and
- (5) the plan of the Secretary of Defense for the transportation of such munitions within the United States during peacetime provides that the two components that constitute a binary munition are transported separately.
- (d) **SENSE OF CONGRESS** -- It is the sense of Congress that existing unitary chemical munitions currently stored in the United States and in European member nations of NATO should be replaced by and in European member nations of NATO should be replaced by modern, safer binary chemical munitions.
- (e) **REPORT** -- Not later than October 1, 1986, the President shall submit to Congress a report describing the results of consultations among NATO member nations concerning the organization's chemical deterrent posture. The report shall include descriptions of any consultations concerning --
 - (1) efforts to provide key civilian workers at military support facilities in Europe --
 - (A) with personal and collective equipment to protect against the use of chemical munitions; and
 - (B) with the training required for the use of such equipment;
 - (2) efforts to upgrade the chemical reconnaissance, decontamination, and protective capabilities of the military forces of the military forces of each NATO member nation to a level adequate to meet the chemical threat identified in NATO intelligence estimates;
 - (3) efforts to initiate a NATO-wide study of measures required to protect ports, airfields, logistics centers, and command and control facilities in European member nations of NATO against chemical attack; and
 - (4) efforts to initiate a NATO-wide study of equitable and efficient sharing among NATO member nations of responsibilities with regard to deterring the use of chemical munitions in Europe.

SEC. 1412. DESTRUCTION OF EXISTING STOCKPILE OF LETHAL CHEMICAL AGENTS AND MUNITIONS

- (a) **IN GENERAL**--
 - (1) Notwithstanding any other provision of law, the Secretary of Defense (hereinafter in this section referred to as the "Secretary") shall, in accordance with the provisions of this section, carry out the destruction of the United States' stockpile of lethal chemical agents and munitions that exists on the date of enactment of this Act.
 - (2) Such destruction shall be carried out in conjunction with the acquisition of binary chemical weapons for use by the Armed Forces.
- (b) **DATE FOR COMPLETION** --
 - (1) Except as provided by paragraphs (2) and (3), the destruction of the United States' stockpile shall be completed by September 30, 1994.

- (2) If a treaty banning the possession of chemical agents and munitions is ratified by the United States, the date for completing the destruction of the United States' stockpile of such agents and munitions shall be the date established by such treaty.
- (3) (A) In the event of a declaration of war by the Congress or of a national emergency by the President or the Congress or if the Secretary of Defense determines that there has been a significant delay in the acquisition of an adequate number of binary chemical weapons to meet the requirements of the Armed Forces (as defined by the Joint Chiefs of Staff as of September 30, 1985), the Secretary may defer, beyond September 30, 1994, the destruction of not more than 10 percent of the stockpile described in subsection (a)(1).
- (B) The Secretary shall transmit written notice to the Congress of any deferral made under subparagraph (A) within 30 days after the date on which the determination to defer is made or by August 31, 1994, whichever is earlier.
- (c) ENVIRONMENTAL PROTECTION AND USE OF FACILITIES --
 - (1) In carrying out the requirement of subsection (a)(1), the Secretary shall provide for--
 - (A) maximum protection for the environment, the general public, and the personnel who are involved in the destruction of the lethal chemical agents and munitions referred to in subsection (a); and
 - (B) adequate and safe facilities designed solely for the destruction of lethal chemical agents and munitions.
 - (2) Facilities constructed to carry out this section may not be used for any purpose other than the destruction of lethal chemical weapons and munitions, and when no longer needed to carry out this section, such facilities shall be cleaned, dismantled, and disposed of in accordance with applicable laws and regulations.
- (d) PLAN.--
 - (1) The Secretary shall develop a comprehensive plan to carry out this section.
 - (2) In developing such plan, the Secretary shall consult with the Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency.
 - (3) The Secretary shall transmit a copy of such plan to the Congress not later than March 15, 1986.
 - (4) Such plan shall provide --
 - (A) an evaluation of the comparison of onsite destruction, regional destruction centers, and a national destruction site both inside and outside of the United States;
 - (B) for technological advance is techniques used to destroy chemical munitions;
 - (C) for the maintenance of a permanent, written record of the destruction of lethal chemical agents and munitions carried out under this section; and
 - (D) a description of--

- (i) the methods and facilities to be used in the destruction of agents and munitions under this section;
 - (ii) the schedule for carrying out this section; and
 - (iii) the management organization established under subsection (e).
- (e) **MANAGEMENT ORGANIZATION. --**
 - (1) In carrying out this section, the Secretary shall provide for the establishment, not later than May 1, 1986, of a management organization within the Department of the Army.
 - (2) Such Organization shall be responsible for management of the destruction of agents and munitions under this section.
 - (3) The Secretary shall designate a general officer as the director of the management organization established under paragraph (1), Such officer shall have --
 - (A) experience in the acquisition, storage, and destruction of chemical agents and munitions;
 - (B) training in chemical warfare defense operations; and
 - (C) outstanding qualifications regarding safety in handling chemical agents and munitions.
- (f) **IDENTIFICATION OF FUNDS --** Funds for carrying out this section shall be set fort in the budget of the Department of Defense for any fiscal year as a separate account. Such funds shall not be included in the budget accounts for any military department. Funds for military construction projects necessary to carry out this section may be set out in the annual military construction budget separately from other funds for such project.
- (g) **ANNUAL REPORT --**
 - (1) Except as provided by paragraph (4), the Secretary shall transmit, by December 15 of each year, a report to the congress on the activities carried out under this section during the fiscal year ending on September 30 of the calendar year in which the report is to be made.
 - (2) The fist such report shall be transmitted by December 15, 1985, and shall contain--
 - (A) an accounting of the United States' stockpile of lethal chemical agents and munitions on the date of the enactment of this Act; and
 - (B) a schedule of the activities planned to be carried out under this section during fiscal year 1986.
 - (3) Each report other than the first one shall contain --
 - (A) a site-by-site description of the construction, equipment, operation, and dismantling of facilities (during the fiscal year for which the report is made) used to carry out the destruction of agents and munitions under this section, including any accidents or other unplanned occurrences associated with such construction and operation; and
 - (B) an accounting of all funds expended (during such fiscal year) for activities carried out under this section, with a separate accounting for amounts expended for

- (i) the construction of and equipment for facilities used for the destruction of agents and munitions;
 - (ii) the operation of such facilities;
 - (iii) the dismantling or other closure of such facilities;
 - (iv) research development; and
 - (v) program management.
- (4) The Secretary shall transmit the final report under this subsection not later than 120 days following the completion of activities under this section.
- (h) **PROHIBITION ON ACQUIRING CERTAIN LETHAL CHEMICAL AGENTS AND MUNITIONS**
 - (1) Except as provided in paragraph (2), no agency of this Federal Government may, after the date of the enactment of this Act, develop or acquire lethal chemical agents or munitions other than binary chemical weapons.
 - (2)
 - (A) the Secretary of Defense may acquire any chemical agent or munition at any time for purposes of intelligence analysis.
 - (B) Chemical agents and munitions may be acquired for research development, test, and evaluation purposes at any time, but only in development, quantities needed for such purposes and not in production quantities.
- (i) **REAFFIRMATION OF UNITED STATES POSITION ON FIRST USE OF CHEMICAL AGENTS AND MUNITIONS** -- It is the sense of Congress that the President should publicly reaffirm the position of the United States as set out in the Geneva Protocol of 1925, which the United States ratified with reservations in 1975.
- (j) **DEFINITIONS.** -- For the purposes of this section;
 - (1) The term "chemical agent and munition" means an agent or munition that, through its chemical properties, produces lethal or other damaging effects on human beings, except that such term does not include riot control agents, chemical herbicides, smoke and other obscuration materials.
 - (2) The term "lethal chemical agent and munition" means a chemical agent or munition that is designed to cause death through its chemical properties, to human beings in field concentrations.
 - (3) the term "destruction" means, with respect to chemical munitions or agents--
 - (A) the demolishment of such munitions or agents by incineration or by any other means; or
 - (B) the dismantling or other disposal of such munitions or agents so as to make them useless for military purposes and agents so as to make them useless for military purposes and harmless to human beings under normal circumstances.
- (k) **EFFECTIVE DATE** -- The provisions of this section shall take effect on October 1, 1985.

SEC. 1413. REPORT CONCERNING THE TESTING OF CHEMICAL WARFARE AGENTS

The Secretary of Defense shall, within 90 days after the date of enactment of this Act, transmit a report to the Committees on Armed Services of the Senate and House of

Representatives describing the following matters concerning the testing of diluted or undiluted chemical warfare agents:

- (1) The criteria and process used for selecting sites for such testing.
- (2) The nature and extent of any consultation carried out with State and local officials before the site for such testing is selected.
- (3) The consideration that is given to the proximity of residential dwelling units, schools, child care centers, nursing homes, hospitals, or other health care facilities to the testing site.
- (4) Whether an environmental impact statement should be required prior to the approval of a contract for such testing.
- (5) Any costs that may have to be incurred by the Federal Government to assist companies that carry out such testing to relocate to more isolated areas.
- (6) The degree to which the Secretary estimates that such testing will increase or decrease.
- (7) Any recurring problems associated with such testing or the site selection process for such testing.
- (8) Any changes in site selection process that are to be implemented by the Secretary or for which legislative action is necessary.

PL 98-525, Defense Authorizations Act for FY 1985
OCTOBER 19, 1985

TITLE I - PROCUREMENT

PROHIBITION OF SPENDING FUNDS FOR BINARY CHEMICAL MUNITIONS

SEC. 111.

None of the funds appropriated pursuant to authorizations of appropriations in this title may be used for procurement of binary chemical munitions, including advanced procurement of long-lead components or for the establishment of a production base for such munitions.

PL 98-473, Continuing Appropriations, 1985
OCTOBER 12, 1984

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, and for construction and operation of facilities in support of the functions of the Commander-in Chief, \$1,593,137, 000, to remain available until September 30, 1989: Provided, That of this amount, not to exceed \$153,500,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: Provided further, That none of the funds appropriated by this Act may be used for construction of a chemical munitions demilitarization facility at Lexington-Blue Grass Army Depot, Kentucky.

TITLE VIII - GENERAL PROVISIONS

SEC.8107.

None of the funds available to the Department of Defense may be used to transport any chemical munitions into the Lexington-Blue Grass Army Dept for purposes of future demilitarization.

PL 98-94, Defense Authorization Act for FY 1984
SEPTEMBER, 24, 1983

TITLE XII -- GENERAL PROVISIONS (50 U.S.C. 1.519a)

Part C - Provisions Relating to Specific Programs

SEC. 1233 LIMITATION ON PROCUREMENT OF BINARY CHEMICAL WEAPONS

- (a) Notwithstanding any other provision of law, no funds may be obligated or expended after the date of the enactment of this Act for the production of binary chemical weapons unless the President certifies to the Congress that for each 155-millimeter binary artillery shell or aircraft-delivered binary aerial bomb produced a serviceable unitary artillery shell from the existing arsenal shall be rendered permanently useless for military purposes.
- (b)
 - (1) Funds appropriated pursuant to the authorization of appropriations for the Army in section 101 of this Act may be used for the establishment of a production base for binary chemical munitions and for the procurement of components for 155-millimeter binary chemical artillery projectiles, but such funds may not be used for the actual production of binary chemical munitions before October 1, 1985.
 - (2) Notwithstanding the provisions of paragraph (1), before the production of binary chemical munitions may begin after September 30, 1985, the President must certify to Congress in writing that, in light of circumstances prevailing at the time the certification is made, the production of such munitions is essential to the national interest.
 - (3) for purposes of this subsection, "production of binary chemical munitions" means the final assembly of weapon components and the filing or loading of components with binary chemicals.

PL 97-252, Defense Authorizations Act for FY 1983
SEPTEMBER 8, 1982

TITLE XI - GENERAL PROVISIONS

SEC. 1124 - NEGOTIATIONS FOR BANNING OF CHEMICAL WEAPONS

- (1) continue to promote actively negotiations among the member countries of the Ad Hoc Working Group on Chemical Warfare of the Committee on Disarmament established by the United Nations General Assembly and meeting in Geneva, Switzerland for the purpose of drafting a treaty for the complete, effective, and verifiable prohibition of the development, production, and stockpiling of all chemical weapons and for their destruction;
- (2) press vigorously in every appropriate forum for a full explanation of outstanding allegations concerning Soviet and Soviet-proxy use of chemical weapons in violation of international law; and
- (3) communicate to the Government of the Union of Soviet Socialist Republics the earnest desire of the Government of the United States for a comprehensive, verifiable ban on chemical weaponry and the willingness of the Government of the United States to participate in negotiations toward this end as soon as the Government of the United States can be satisfied that the Soviet Union is not in violation of existing international accords applying to the prohibition of first use of chemical weapons and the production and transfer of biological weapons and that the Soviet Union is prepared to agree to provisions needed to ensure the verifiability of an accord banning chemical warfare.

PL 97-114, Defense Appropriations Act for FY 1982
DECEMBER 29, 1981

TITLE VII - GENERAL PROVISIONS

SEC.787 - CHEMICAL AND BIOLOGICAL WARFARE PROGRAMS

Congress remains concerned about the rapidly escalating cost of the chemical and biological warfare programs that have not yet been adequately justified by the Administration.

Congress directed the Administration as part of the Conference Report to the fiscal year 1981 supplemental appropriations bill (H. Rept. No. 97-124) to provide studies of:

- the long-range costs of the modernization program;
- a country-by-country report from our NATO allied with respect an overview of the mission-oriented requirements for the various binary weapons; and
- an arms control impact study of the mission oriented requirements.

This information has yet to be supplied to Congress. The Congress reaffirms the language of the Supplemental Conference Report as adopted earlier this year by Congress. Funding for binary weapons in this year's appropriation is not production or construction-oriented, but rather limited strictly to research and development. Therefore, these requirements do not apply to funding provided in this Act. The Congress view such requirements with the utmost concern and seriousness, and fully expects them to be fulfilled prior to any future request for production or construction-oriented binary weapons funding.

Congress also urges the Administration to resume as rapidly as possible negotiations with the Union of Soviet Socialist Republics to prohibit the development, production and stockpiling of chemical weapons. These negotiations are vital to enhance United States national security and achieve budgetary stability.

PL 96-418, Military Construction Authorizations Act for FY 1981
OCTOBER 10, 1980

TITLE VIII- GENERAL PROVISIONS

SEC. 809 - Removal of Chemical Munitions, Rocky Mountain Arsenal

- (a) Notwithstanding any other provision of law, the Secretary of Defense shall remove all chemical munitions from the Rocky Mountain Arsenal, Colorado, within one year after the date of the enactment of this Act.
- (b) Within ninety days after the date of the enactment of this Act, the Secretary of Defense shall notify the committees on Armed Services of the Senate and the House of Representative in writing of the methods proposed to be used in carrying out the provisions of subsection (a).
- (c) the Secretary of Defense shall not take any action to carry out the provisions of subsection (a) until a period of thirty days has elapsed after the receipt by the committees on Armed Services of the notification required under subsection (b).

PL 95-79, Defense Authorization Act for FY 1978
JULY 30,1977

TITLE VIII - GENERAL PROVISIONS

SEC.808 - DOD experiments and studies, report and accounting to congressional committees. 50 USC 1520 note

- (a) (1) The Secretary of Defense shall supply the committees on Armed Services of the Senate and House of Representatives, not later than October 1 of each year, a full accounting of all experiments and studies conducted by the Department of Defense in the preceding twelve-month period, whether directly or under contract, which involve the use of human subjects for the testing of chemical or biological agents.
- (2) Not later than thirty days after final approval within Department of Defense of plans for any experiment or study to be conducted by the Department of Defense, whether directly or under contract, involving the use of human subjects for the testing of chemical or biological agents, the Secretary of Defense shall supply the committees on Armed Services of the Senate and House of Representatives with a full accounting of such plans for such experiment or study may then be conducted only after the expiration of the thirty-day period beginning on the date such accounting is received by such committees.
- (b) (1) The secretary of Defense may not conduct any test or experiment involving the use of any chemical or biological agent on civilian populations unless local civilian officials in the area in which the test or experiment is to be conducted are notified in advance of such test or experiment, and such test or experiment may then be conducted only after the expiration of the thirty-day period beginning on the date of such notification.
- (2) Paragraph (1) shall apply to test and experiments conducted by Department of Defense personnel and tests and experiments conducted on behalf of the Department of Defense by contractors.

PL 94-251, Carbonyl Chloride – Department of Defense
MARCH 29, 1976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. The Secretary of Defense is authorized to dispose of the entire inventory of the chemical substance carbonyl chloride under his jurisdiction by sale within the United States of the carbonyl chloride or of any commercially available derivative thereof.

Sec. 2. Nothing contained in section 409 of Public Law 91-121 as amended, or in section 506 of Public Law 91-441, shall be deemed to restrict any sale authorized by section 1 hereof, or any transportation incident to such sale.

PL 94-106, Defense Authorizations Act for FY 1976
OCTOBER 7, 1975

TITLE VII -- GENERAL PROVISIONS (50 U.S.C. 1519)

SEC. 818

- (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this or any other Act shall be used for the purpose of production of lethal binary chemical munitions unless the President certifies to Congress that the production of such munitions is essential to the national interest and submits a full report thereon to the President of the Senate and the Speaker of the House of Representatives, as far in advance of the Production of such munitions as is practicable.
- (b) For purposes of this section the term "lethal binary chemical munitions" means (1) any toxic chemical (solid, liquid, or gas) which, through its chemical properties, is intended to be used to produce injury or death to human beings, and (2) any unique device, instrument, apparatus, or contrivance, including any components or accessories thereof, intended to be used to disperse or otherwise disseminate any such toxic chemical.

PL 93-365, Defense Authorizations Act for FY 1975
AUGUST 5, 1974

TITLE VII - GENERAL PROVISIONS

SEC. 703.

Notwithstanding any other provision of law, no funds authorized to be appropriated pursuant to this Act may be used for research, testing, and/or evaluation of poisonous gases, radioactive materials, poisonous chemicals, or biological or chemical warfare agents upon dogs for the purpose of developing biological or chemical weapons.

PL 91-441, Armed Forces – Military Procurement, 1971
OCTOBER 7, 1970

TITLE V - GENERAL PROVISIONS

SEC. 506.

- (a) None of the funds authorized to be appropriated by this Act shall be used for the procurement of delivery systems specifically designed to disseminate lethal chemical or any biological warfare agents, or for the procurement of delivery system parts or components specifically designed for such Purpose, Unless the President shall certify to the Congress that such procurement is essential to the safety and security of the United States.
- (b)
 - (1) Section 409(b) of Public Law 91-121, approved September 19, 1969 (83 Stat. 209), is amended-
 - (A) by striking out “or the open air testing of any such agent within the United States” in the material immediately preceding paragraph (1) and inserting in lieu thereof the following: “the open air testing of any such agent within the United States, or the disposal of any such agent within the United States”:
 - (B) ‘by striking out “transportation or testing” each time it appears in paragraphs (2), (3), and (4) and inserting in lieu thereof “transportation, testing, or disposal” ; and
 - (C) by inserting “or disposal” immediately after “such testing” in paragraph (4) (A).
 - (2) Section 409(c) (1) of such public lam 16 is amended-
 - (A) by striking out “deployment, or storage, or both,” and inserting in lieu thereof “deployment, storage, or disposal” ; and
 - (B) by striking out “deployment or storage” immediately after “unless Prior notice of’ and inserting in lieu thereof “deployment, storage, or disposal”.
 - (3) The first sentence of section 409(c) (2) of such public law 17 is amended by inserting “, or for the disposal of any munitions in international waters,” immediately after “outside the United States”.
 - (4) Section 409 of such public lam 18 is further amended by adding at the end thereof a new subsection as follows:
 - “(g) Nothing contained in this section shall be deemed to restrict the transportation or disposal of research quantities of any lethal chemical or any biological warfare agent, or to delay or prevent, in emergency situations either within or outside the United States, the immediate disposal together with any necessary associated transportation, of any lethal chemical or any biological warfare agent when compliance with the procedures and requirements of this section would clearly endanger the health or safety of any person.”
- (c)
 - (1) The Secretary of Defense shall undertake to enter into appropriate arrangements with the National Academy of Sciences to conduct a Comprehensive study and investigation to determine (A) the ecological and physiological dangers inherent in the use of herbicides, and (B) the

ecological and Physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam.

- (2) Of the funds authorized by this Act for research, development, testing, and evaluation of chemical warfare agents and for defense against biological warfare agents, such amounts as are required shall be available to carry out the study and investigation authorized by paragraph (1) of this subsection.
 - (3) In entering into any arrangement with the National Academy of Sciences for conducting the study and investigation authorized by paragraph (1) of this subsection, the Secretary of Defense shall request that the National Academy of Sciences submit a final report containing the results of its study and investigation to the Secretary not later than January 31, 1972. The Secretary shall transmit copies of such report to the President and the Congress together with such comments and recommendations as he deems appropriate, not later than March 1, 1972.
- (d) On and after the date of enactment of this Act, no chemical or biological warfare agent shall be disposed of within or outside the United States unless such agent has been detoxified or made harmless to man and his environment unless immediate disposal is clearly necessary, in an emergency, to safeguard human life. An immediate report should be made to Congress in the event of such disposal.

PL 91-121, Military Procurement – Reserve Forces, 1970
NOVEMBER 19, 1969

TITLE IV - GENERAL PROVISIONS

SEC. 409.

- (a) The Secretary of Defense shall submit semiannual reports to the Congress on or before January 31 and on or before July 31 of each year setting forth the amounts spent during the pre-ceding six-month period for research, development, test and evaluation and procurement of all lethal and nonlethal chemical and biological agents. The Secretary shall include in each report a full explanation of each expenditure, including the purpose and the necessity therefor.
- (b) None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States until the following procedures have been implemented:
 - (1) the Secretary of Defense (hereafter referred to in this section as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;
 - (2) the Secretary has brought the particulars of the proposed transportation BP testing, to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation or testing may pose and to recommend what precautionary measures are necessary to protect the public health and safety;
 - (3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal); **Provided, however,** That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation or testing, the President may determine that overriding considerations of national security require such transportation or testing be conducted. Any transportation or testing conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable; and
 - (4) the Secretary has provided notification that the transportation or testing will take place, except where a Presidential determination has been made:
 - (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced at least 30 days before any such testing be commenced;

- (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.
- (C) (1) None of the funds authorized to be appropriated by this Act or any other Act may be used for the future deployment, or storage, or both at any place outside the United States of--
 - (A) any lethal chemical or any biological warfare agent, or
 - (B) any delivery system specifically designed to disseminate unless prior notice of such deployment, or storage has been given to the country exercising jurisdiction over such place. In the case of any place outside the United States which is under the jurisdiction or control of the United States Government, no such action may be taken unless the secretary gives prior notice of such action to the President of the Senate and the Speaker of the House of Representatives. As used in this paragraph, the term "United States" means the several States and the District of Columbia.
- (2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical biological warfare agent outside the United States if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.
- (d) Unless otherwise indicated, as used in this section the term "United States" means the several States, the District of Columbia, and the territories and possessions of the United States.
- (e) After the effective date of this Act, the operation of this section, or any portion thereof, may be suspended by the President during, the period of any war declared by Congress and during the period of any national emergency declared by Congress or by the President.
- (f) None of the funds authorized to be appropriated by this Act may be used for the procurement of any delivery system specifically designed to disseminate any lethal chemical or any biological warfare agent, or for the procurement of any part or component of any such delivery system, unless the President shall certify to the Congress that such-procurement is essential to the safety and security of the United States.